



SELECT BOARD CALENDAR 03/14/2023 HYBRID MEETING

SELECT BOARD HEARING ROOM
6TH FLOOR, BBROOKLINE TOWN HALL

OR

- Bernard W. Greene – Chair
- John VanScoyoc – Vice Chair
- Miriam Aschkenasy
- Michael Sandman
- Charles Carey – Town Administrator

Please click this URL to Register & Find the Information to Join as an Attendee via your Confirmation Email:

https://brooklinema.zoomgov.com/webinar/register/WN_oKKls58DTTOh45yuBDD_pg

To Join by Phone: 1 646 828 7666
Webinar ID: 161 038 8618

To Watch and Comment:
BrooklineInteractive.org/live

1. **ANNOUNCEMENTS/UPDATES**
Select Board to announce recent and/or upcoming Events of Community Interest.
2. **PUBLIC COMMENT**
Public Comment period for residents who requested to speak to the Board regarding Town issues not on the Calendar.
Up to fifteen minutes for public comment shall be scheduled each meeting. Persons wishing to speak may sign up in advance beginning on the Friday preceding the meeting or may sign up in person at the meeting. Speakers will be taken up in the order they sign up. Advance registration is available by calling the Select Board's office at 617-730-2202 or by e-mail at kmacgillivray@brooklinema.gov. The full Policy on Public Comment is available at <http://www.brooklinema.gov/376/Meeting-Policies>
3. **MISCELLANEOUS**
Approval of miscellaneous items, licenses, vouchers, and contracts.
 - 3.A. Question of approving the meeting minutes from March 7, 2023.
 - 3.B. Question of approving the authorization to hire request for a Senior Clerk (C-08) in the Water and Sewer Division of the Department of Public Works.
 - 3.C. Question of approving the project scope agreement for the Pierce School project and authorizing the Town Administrator to sign on behalf of the Select Board.
4. **CALENDAR**
Review and potential vote on Calendar Items

5. POLICE CHIEF SEARCH UPDATE

Update from the Town Administrator on the Police Chief search.

6. DEPARTMENTAL BUDGET REVIEWS

Review of the FY24 Departmental Budgets for the Office of the Select Board, Finance Department, and Planning and Community Development Department.

7. BALLOT QUESTIONS PUBLIC HEARING

7:15 PM Discussion and public hearing on possible ballot questions for the May 2 Annual Town Election on the following topics:

- Operating Override**
- Pierce School Debt Exclusion**
- Voter referendum on establishing caps for retail cannabis establishments**

8. WARRANT FOR THE 2023 ANNUAL TOWN MEETING

Question of approving and executing the Warrant for the May 23, 2023 Annual Town Meeting.

9. WARRANT ARTICLES PUBLIC HEARING

8:00 PM Public Hearing, discussion and possible vote on the following Warrant Articles for the May 23, 2023 Annual Town Meeting:

- Wood and Bark**
- Compensating Balances**
- Unpaid Bills**
- Property Tax Assessments**
- Amend Article 5.9 of the Town's General By-Laws to amend the stretch energy code in accordance with the MA DOER Pilot.**

The Town of Brookline does not discriminate on the basis of disability in admission to, access to, or operation of its programs, services, or activities. The Town of Brookline does not discriminate on the basis of disability in its hiring or employment practices. This notice is provided as required by Title II of the Americans with Disabilities Act (ADA) and by Section 504 of the Rehabilitation Act of 1973. Questions, complaints, or requests for additional information may be sent to Sarah Kaplan, Community Relations Specialist and ADA / Section 504 Coordinator. Persons with disabilities who need either auxiliary aids and services for effective communication, written materials in alternative formats, or reasonable modifications in policies and procedures in order to access programs and activities of the Town of Brookline are invited to make their needs and preferences known to the ADA Coordinator. This notice is available in alternative formats from the ADA Coordinator.



Town of Brookline

Massachusetts

Authorization To Hire Request Form

1. Position **TITLE**: Senior Clerk Grade: C-08

2. Department: Public Works Division: Water and Sewer

3. Position Control #: 499000014 Prior Incumbent: Christine Hurley

a. Reason for Leaving: Promotion to Storekeeper LN-6

4. Budgetary Information:

Department Code: 4000 Budget Code: 4999EW40 510101 % 100

☐ Grant Funded-Name of Grant: _____ ☐ Revolving Fund ☐ Enterprise Fund

6. Employment Type:

☒ Full-Time: # of hours/week: 37.5 ☐ Part-Time: # of hours/week: _____

☒ Permanent ☐ Temporary: expected end date (required) _____/_____/_____

7. Method of Fill:

☐ Promotion – To be Posted Internally from: _____/_____/_____ to _____/_____/_____

☒ New Hire ☐ Transfer – Please explain: _____

8. List the top three essential functions of this position:

1. Monitors meter readings, generates bill, confirms payments, generates work orders, and

2. provides customer service.

3. _____

9. I have considered the following alternatives to filling this position:

No alternatives considered other than new hire.

10. The alternatives are less desirable than new hire action for the following reasons:-continued on reverse side-

The position is critical to support the daily operations and efficiency of the Division.

Senior Clerk

Authorization To Hire Request Form

11. Suggested sources for specialized recruitment advertising: (other than local papers)

Human Resources will work with DPW to post the position widely with Diversity Jobs, Indeed
& ZipRecruiter all which have multiple targeted affinity group job boards & any other relevant groups.

12. Please attach the current position description.

13. Signatures:

Department Head Signature:	<u>Erin Chute Gallentine</u>	Date:	<u>03/08/2023</u>
Human Resources Director:	_____	Date:	_____
Town Administrator:	_____	Date:	_____

14. Approvals:

Date on BOS Agenda:	_____	Date Approved:	_____
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15. Notes:



TOWN OF BROOKLINE

Massachusetts

OFFICE OF TOWN COUNSEL

JOE CALLANAN, *Town Counsel*
 JOHN MORESCHI, *First Assistant Town Counsel*
 JOHN J. BUCHHEIT, *Associate Town Counsel*
 JONATHAN SIMPSON, *Associate Town Counsel*
 MICHAEL DOWNEY, *Associate Town Counsel*

I, Joseph Callanan, duly appointed legal counsel for the **Town of Brookline** hereby certify that:

1. The **Town of Brookline** is validly organized and existing under and by virtue of the laws of the Commonwealth, has full power and authority to own its properties and carry on its business as now conducted, and has full power and authority to execute, deliver and perform its obligations under the Project Scope and Budget Agreement, and any amendments thereto, between the **Town of Brookline** and the Massachusetts School Building Authority for the Proposed Project at the John R. Pierce School (the "Project Scope and Budget Agreement") and all other related documents.

2. The **Town of Brookline** has duly obtained all necessary votes, resolutions, authorizations, appropriations, orders, and voter approvals, in accordance with the formats prescribed by the Authority, and has taken all actions necessary or required by law to authorize the execution and delivery of the Project Scope and Budget Agreement, and any amendments thereto, and to perform the obligations of the **Town of Brookline** under the Project Scope and Budget Agreement and any amendments thereto.

3. The Project Scope and Budget Agreement, and any amendments thereto, constitute a valid and binding obligation of the **Town of Brookline**, enforceable in accordance with its terms, except as such enforceability may be limited by bankruptcy, insolvency, moratorium, reorganization or other laws heretofore or hereafter enacted and general equity principles.

4. The following elected or appointed governmental officer(s) and/or governmental body has the full legal authority under the laws of the Commonwealth of Massachusetts and all applicable local charters, ordinances, by-laws, and policies to execute and deliver the Project Scope and Budget Agreement, and any amendments thereto, on behalf of the **Town of Brookline** and to bind the **Town of Brookline** to its terms and conditions:

Pursuant to the votes of the Select Board, School Committee and Building Commission of the Town of Brookline, certified records of which accompany this certification, such legal authority has been granted to the Town Administrator of the Town of Brookline.

Town Administrator
 333 Washington Street
 Brookline, MA 02445

3.C.

617-730-2200

ccarey@brooklinema.gov

5. The following elected or appointed governmental officer(s) and/or governmental body has the full legal authority under the laws of the Commonwealth of Massachusetts and all applicable local charters, ordinances and by-laws to make final, binding decisions on behalf of the **Town of Brookline** with respect to the Proposed Project described in the Project Scope and Budget Agreement and any amendments thereto.

Pursuant to the votes of the Select Board, School Committee and Building Commission of the Town of Brookline, certified records of which accompany this certification, such legal authority has been granted to the Town Administrator, the Superintendent and the Project Administrator.

Town Administrator
Town of Brookline
333 Washington Street
Brookline, MA 02445
617-730-2200
ccarey@brooklinema.gov

Superintendent
Public Schools of Brookline
333 Washington Street
Brookline, MA 02445
617-730-2401
linus_guillory@psbma.org

Project Administrator
Building Department
333 Washington Street
Brookline, MA 02445
617-730-2044
tguigli@brooklinema.gov

I hereby further certify that, to the best of my knowledge and belief, the above-listed certifications are true, complete and accurate.

IN WITNESS WHEREOF, signed this _____ day of _____, _____

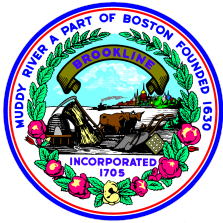
Name (Print or Type)

3.C.

Office/Title (Print or Type)

Town of Brookline FY24 Program Budget

Administration and Finance I Select Board



Program Description

The Select Board is composed of five members who are elected for staggered three-year terms. As directors of the municipal corporation, they are vested with the general management of the Town. The Select Board initiate legislative policy by inserting articles in Town Meeting Warrants and then implement and enforce the votes subsequently adopted; establish town administrative policies; review and set fiscal guidelines for the annual Operating Budget and the six-year Capital Improvement Program (CIP); appoint department heads and members of many official boards and commissions; hold public hearings on important town issues and periodic conferences with agencies under their jurisdiction and with community groups; represent the Town before the State Legislature and in all regional and metropolitan affairs; and enforce Town by-laws and regulations. The Board also appoints the Town Administrator, who serves as the Chief Administrative Officer of the Town in accordance with the "Town Administrator Act" (Ch. 270 of the Acts of 1985, as amended).

The Select Board also serves as the licensing board responsible for issuing and renewing over 600 licenses in 20 categories, including common victualler, food vendor, liquor, lodging house, open-air parking lots, inflammable, and entertainment.

FY24 Objectives

Finance and Administration

1. To establish procedures in order to ensure the Town's budget allocates resources responsibly to ensure long-term financial sustainability while observing prudent and transparent financial practices to retain the Town's Aaa credit rating.
2. To continue to review and implement appropriate recommendations made by the Brookline Fiscal Advisory Committee concerning Town and School budget principles and policies.
3. To use Select Board objectives to provide direction to departments and improve performance indicators.
4. To align the town's financial goals with larger goals of supporting affordable housing, equity, growth opportunities, and support for the most vulnerable.
5. To oversee the ARPA funding process, including premium pay, current grants, and distribution and use of the remaining funds.
6. To pursue paying a competitive wage to all employees with appropriate benefits to ensure quality of life and retention of highly qualified public servants in balance with market conditions.

Diversity and Community Engagement

1. To provide leadership and support to the Town Administrator, the Diversity, Inclusion, and Community Relations Office, Boards and Commissions, Town Departments, and other community stakeholders in collaborative efforts to implement meaningful diversity, equity, and inclusion initiatives and continue to rely on GARE for technical expertise.
2. To further implement diversity, equity, and inclusion principles and actions in the Town's services, planning, procurement, and hiring and retention processes.
3. To review and collaborate with ODICR, Town departments, and the public to assess, provide recommendations, and improve community engagement programming and processes.
4. To encourage Town staff to develop innovative programs and initiatives to increase Brookline's racial and socioeconomic diversity through marketing and outreach programs as well as in our policies and practices.
5. To support ODICR in the launch of the Racial Equity and Advancement Fund (REAF).
6. To provide language access services to Brookline residents
7. To review and consider police policy recommendations made by Select Board committees on policing in Brookline

Economic Development, Planning, and Regulation

1. To support the development of the Comprehensive Plan with appropriate compliance with the MBTA Communities Act including exploring options to promote a more robust commercial sector and tax base
2. To continue to work with the Cannabis Mitigation Advisory Committee to responsibly monitor the impact of cannabis businesses within the Town and to focus additional attention on equity related policies and practices.
3. To support the newly appointed Community Preservation Committee (CPC) and to coordinate with CPC on relevant projects
4. To continue to support the production of quality affordable senior, middle-income, and low-income housing, while maintaining and surpassing the 10% subsidized housing inventory goal and focusing additional resources on the preservation of existing affordable housing in older buildings.
5. To implement and monitor new local rules and regulations in conjunction with State regulations associated with short-term property rentals.

Environmental Planning

1. To identify and pursue fossil-fuel-free opportunities for municipal buildings and support energy-efficient projects in coordination with the Zero Emissions Advisory Board (ZEAB) and the Sustainability Director
2. To encourage the use of different portfolio options for the Town via the Brookline Green Electricity community aggregation program and through our municipal electricity contract to achieve the goal of zero emissions by 2050.
3. To continue to encourage the utilization of electric and alternative vehicles throughout the Town via EV charging investments and partnerships.
4. To work with the Sustainability Director to 1) ensure that the Town's sustainability goals and priorities are reviewed and incorporated in the Town's policies and municipal projects, 2) provide the community with education and guidance on sustainability options and initiatives and 3) to stay informed of ZEAB proposals and recommendations.
5. To support the Sustainability Director in the development and implementation of the Town's Climate Action Plan including developing goals related to environmental justice.
6. To continue work with local advocacy groups to ensure National Grid undertakes appropriate mitigation and restoration actions to address gas leaks within the Town.
7. To work with the Department of Energy Resources as one of the ten communities pioneering the fossil fuel ban in new construction also known as the Super Stretch Energy Code

FY23 Accomplishments

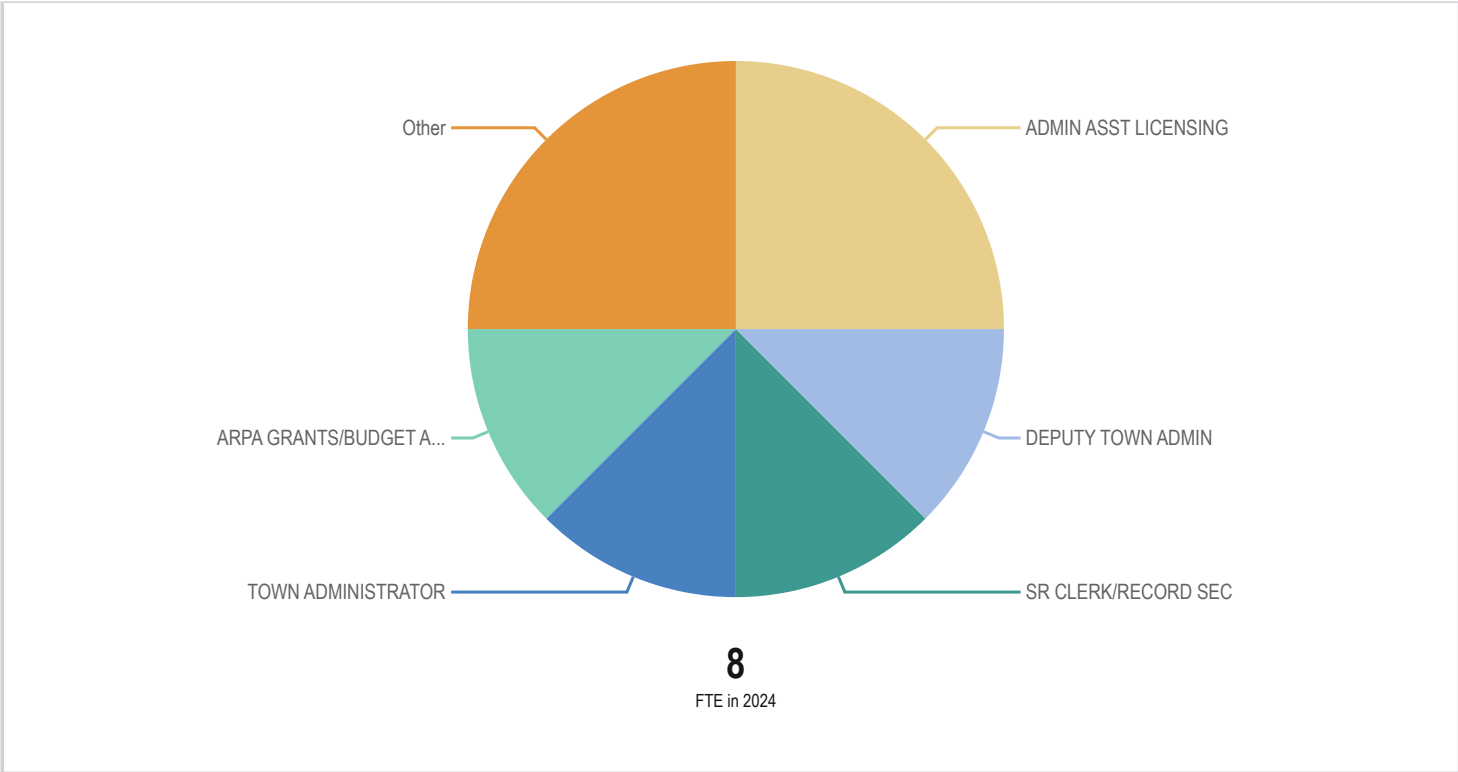
1. Retained a triple-A credit rating issued by S&P and Moody's Investor Services and was awarded the "Distinguished Budget Presentation Award" by the Government Finance Officers Association for the FY23 budget document.
2. Conducted two strategic planning meetings in summit format to further define the goals of the Town and Select Board as a whole.
3. Continued to utilize hybrid public meeting technology successfully and while committing to that accessibility for all future Select Board meetings
4. Hired staff in key administrative areas, including both Town Administrator and Assistant Town Administrator of Finance, created new job titles with enhanced responsibilities for critical existing staff including the Deputy Town Administrator for Policy and Finance and the Assistant Town Administrator for Operations

5. Developed and executed a robust, transparent, and community engaged process to distribute over 20 million dollars in American Rescue Plan Act funds.

Select Board Detailed

	FY22 Actual	2023 Budget	2024 Budget
SALARIES			
PERMANENT FULL TIME	\$664,289	\$876,727	\$861,595
PERMANENT PART TIME	\$0	\$34,791	\$7,200
OVERTIME PAY	\$244	\$0	\$0
PART TIME TEMPORARY SAL	\$1,125	\$0	\$0
LONGEVITY PAY	\$2,900	\$2,900	\$2,150
STIPENDS	\$18,500	\$18,500	\$18,500
EXTRA COMPENSATION	\$10,030	\$19,500	\$19,500
A DAY BUYOUT	\$17,423	\$0	\$0
CLOTHING-UNIFORM ALLOWANCE	\$550	\$550	\$550
AUTO ALLOWANCE	\$7,375	\$7,500	\$8,700
OFFSET	\$0	-\$165,071	-\$111,538
SALARIES TOTAL	\$722,437	\$795,397	\$806,657
SERVICES			
OFFICE EQUIP R & M	\$46	\$0	\$0
COPY EQUIP RENTAL/LEASES	\$3,949	\$4,225	\$4,225
OFFICE/CLERICAL SERVICES	\$484	\$0	\$0
PROFESSIONAL/TECH SERVICE	\$15,800	\$44,000	\$50,180
WIRELESS COMMUNICATIONS	\$1,285	\$1,730	\$1,730
PRINTING SERVICES	\$750	\$500	\$500
DELIVERY SERVICES	\$0	\$50	\$50
ADVERTISING SERVICES	\$569	\$250	\$250
SUBSCRIPTIONS	\$2,964	\$125	\$125
SERVICES TOTAL	\$25,847	\$50,880	\$57,060
SUPPLIES			
SUPPLIES OFFSETS	\$0	\$0	-\$1,000
OFFICE SUPPLIES	\$2,468	\$3,048	\$3,048

FY24 FTE Salary



Select Board Rev

	FY22 Actual	2023 Budget	2024 Budget
REVENUES	\$3,329,148	\$2,966,300	\$3,166,300
REVENUES LESS EXPENSES	\$3,329,148	\$2,966,300	\$3,166,300

Select Board

	FY24 Salary	FY24 FTE
TOWN ADMINISTRATOR	218,294.62	1.00
DEPUTY TOWN ADMIN	193,872.92	1.00
ASSISTANT TOWN ADMINISTRATOR - OPERATIONS	99,199.67	1.00
ASSISTANT TOWN ADMINISTRATOR - FINANCE	94,085.53	1.00

	FY24 Salary	FY24 FTE
ARPA GRANTS/BUDGET ANALYST	74,761.16	1.00
SR CLERK/RECORD SEC	65,974.57	1.00
ADMIN ASST LICENSING	114,076.32	2.00
ARTS COUNCIL COORD.	7,200.00	0.00
BOARD MEMBER CHAIR	4,500.00	0.00
SELECT BOARD MEMBER	14,000.00	0.00
TOTAL	885,964.79	8.00

SELECT BOARD

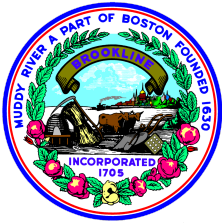
PERFORMANCE / WORKLOAD INDICATORS

	ACTUAL	ESTIMATE	ACTUAL	ESTIMATE	ESTIMATE
	FY2021	FY2022	FY2022	FY2023	FY2024
Brookline's Credit Rating	Aaa	Aaa	Aaa	Aaa	Aaa
# of Aaa's in Mass *	14	15	14	16	16
Tax Levy Per Capita	\$4,325	\$4,585	\$4,602	\$4,786	\$4,631
Management					
Appointments	2	5	3	2	2
Licenses Issued #	533	500	542	500	520
% of renewal licenses					
paid online	11%	10%	11%	10%	10%

* Aaa's rated by Moody's
#No temporary licenses due to COVID

Town of Brookline FY24 Program Budget

Administration and Finance | Finance



Program Description

The Finance Department, under the direction of the Finance Director, is responsible for the implementation, oversight, integrity, and reporting of the Town's operating and capital finances.

The Finance Department is comprised of the following four divisions:

1. **Comptroller** — This division is responsible for maintaining and administering a financial accounting and management information system that provides accurate, complete, and timely information pertaining to all financial activities of Town and School departments.
2. **Purchasing** — This division is responsible for ensuring that all purchases of goods and services, including public construction, are made in accordance with state laws and are open, fair, competitive, and obtained at the lowest possible cost without sacrificing quality. This is done for all Town and School departments. The Division is also responsible for the General Services Unit (Town-wide postage and printing).
3. **Assessing** — This division is responsible for uniformly and accurately valuing all taxable property in town. Quality and accurate assessments ensure that all areas of town and all classes of property equitably share responsibility for their portion of the property tax levy.
4. **Treasury** — This division is responsible for the billing, collecting, and investing of all funds and the arrangement of timely disbursements of all payments to vendors, town employees, and retirees. The Division is also responsible for processing payroll for the Town and School.

FY24 Objectives

1. Maintain the Town's Aaa bond rating—the highest bond rating attainable.
2. Draft and implement new general financial policies for the Town.
3. Seek to implement technological enhancements that allow for additional automation to gain the highest efficiencies in daily transaction processing while maintaining controls over the accuracy and reporting of data.
4. Maintain and increase our high collection rate for all tax, refuse, and water/sewer bills.
5. Work with our payment processor and IT Department to add alternative payment options.
6. Continue to analyze the Town's cash flow needs and maintain a reasonably safe level of short-term investments in local banks while providing liquidity to ensure timely distribution of all debt service, vendor, and payroll obligations.
7. Work with our investment advisors to make responsible investments that improve our investment earnings and minimize risk for the Town.

8. Continue to monitor the funding strategy for the Town's unfunded liabilities of pensions and other post-employment benefits.
9. Continue to expand the Town's PILOT program, including reaching out to new tax-exempt real estate owners.
10. Explore ways to utilize data further to inform decisions and update Performance Indicators.

FY23 Accomplishments

1. Implemented additional payment methods for town transactions for the public.
2. Managed the Town Hall concierge and appointment calendar during the COVID-19 pandemic.
3. Effectively managed a MUNIS upgrade that included training and collaborating with other divisions and departments.
4. Continued implementation of electronic transition with the rollout of the DocuSign platform for Payroll processes.
5. Worked to revitalize the Town's PILOT program.

Finance Detailed

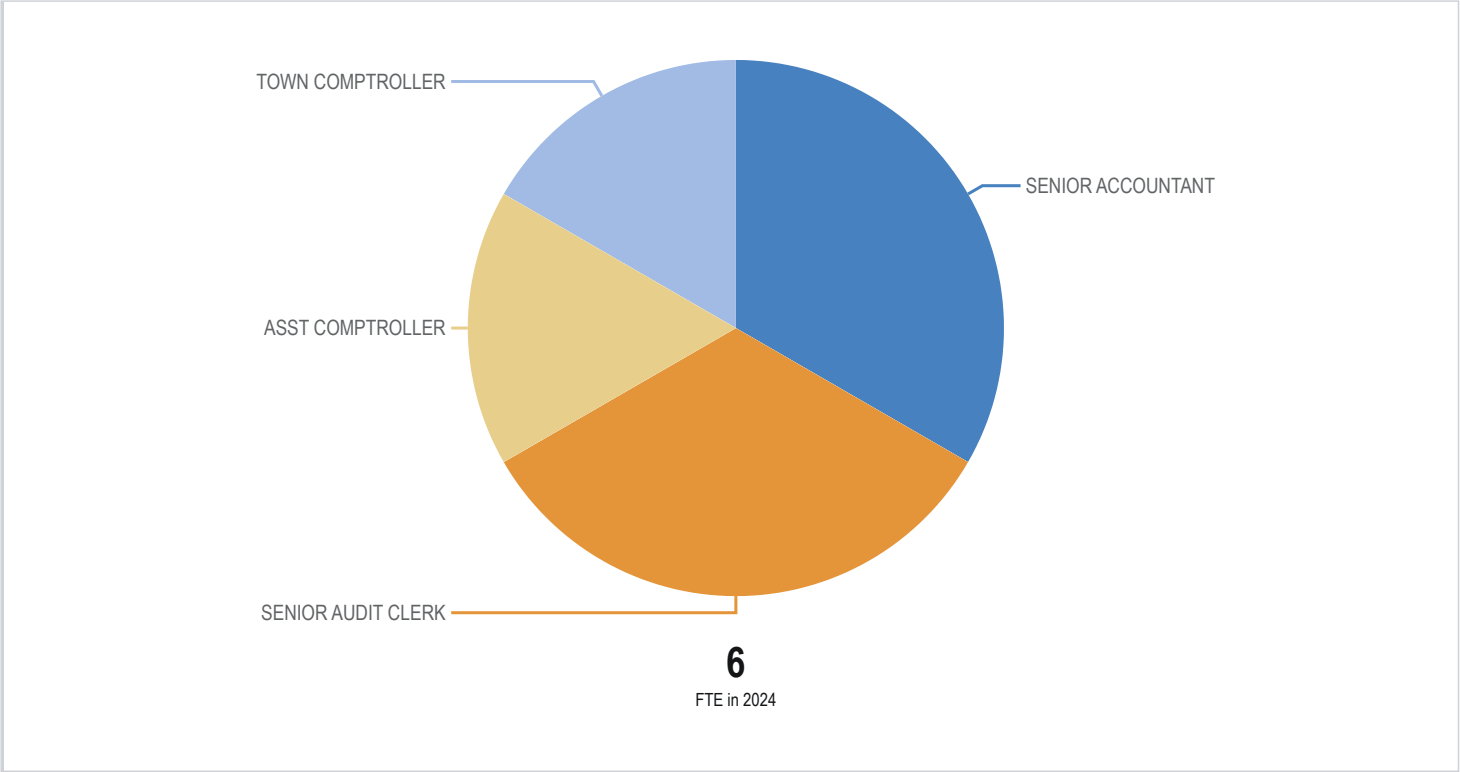
	FY22 Actual	2023 Budget	2024 Budget
SALARIES			
PERMANENT FULL TIME	\$2,201,851	\$2,519,532	\$2,527,148
PERMANENT PART TIME	\$12,000	\$37,614	\$37,166
WORKING OUT OF CLASS	\$504	\$0	\$0
TEMPORARY FULL TIME	\$524	\$0	\$0
OVERTIME PAY	\$4,436	\$487	\$487
PART TIME TEMPORARY SAL	\$53,028	\$0	\$0
LONGEVITY PAY	\$16,337	\$16,717	\$15,047
SICK PAY BUYOUT	\$14,997	\$0	\$0
VACATION BUYOUT	\$86,579	\$0	\$0
A DAY BUYOUT	\$39,549	\$0	\$0
CLOTHING-UNIFORM ALLOWANCE	\$7,150	\$5,500	\$5,500
OFFSET	\$0	-\$71,860	-\$71,860
SALARIES TOTAL	\$2,436,955	\$2,507,990	\$2,513,488
SERVICES			
OFFICE EQUIP R & M	\$345	\$1,450	\$1,450
D P EQUIP R & M	\$265	\$0	\$0
COMPUTER SOFTWARE R & M	\$256,880	\$317,916	\$331,512
COPY EQUIP RENTAL/LEASES	\$19,533	\$33,755	\$33,755
PHOTOCOPY SERVICE CONTRAC	\$0	\$500	\$500
SOFTWARE SERVICE CONTRACT	\$19,330	\$15,000	\$15,000
SOFTWARE LICENSES	\$0	\$3,000	\$4,900
OTHER EQUIPMENT RENTAL/LEASE	\$5,388	\$0	\$0
OFFICE/CLERICAL SERVICES	\$3,853	\$5,722	\$5,722
APPRAISAL SERVICES	\$11,289	\$23,900	\$23,900
GENERAL CONSULT SERVICES	\$1,375	\$15,500	\$15,500
PROFESSIONAL/TECH SERVICE	\$2,004	\$10,500	\$30,500

Comptroller Detailed

	FY22 Actual	2023 Budget	2024 Budget
SALARIES			
PERMANENT FULL TIME	\$468,424	\$493,438	\$479,532
OVERTIME PAY	\$128	\$0	\$0
LONGEVITY PAY	\$3,900	\$3,400	\$2,000
VACATION BUYOUT	\$4,954	\$0	\$0
A DAY BUYOUT	\$10,907	\$0	\$0
CLOTHING-UNIFORM ALLOWANCE	\$1,100	\$1,100	\$1,100
SALARIES TOTAL	\$489,413	\$497,938	\$482,632
SERVICES			

	FY22 Actual	2023 Budget	2024 Budget
COMPUTER SOFTWARE R & M	\$210,618	\$229,190	\$242,760
COPY EQUIP RENTAL/LEASES	\$2,057	\$2,358	\$2,358
PROFESSIONAL/TECH SERVICE	\$504	\$500	\$500
WIRELESS COMMUNICATIONS	\$382	\$0	\$0
SERVICES TOTAL	\$213,561	\$232,048	\$245,618
SUPPLIES			
OFFICE SUPPLIES	\$2,779	\$6,000	\$6,000
SUPPLIES TOTAL	\$2,779	\$6,000	\$6,000
OTHER			
IN STATE TRAVEL -OTHER	\$142	\$400	\$400
EDUCATION/TRAINING/CONFERENCES	\$5,964	\$6,292	\$6,292
PROFESSIONAL DUES/MEMBERS	\$735	\$815	\$815
OTHER TOTAL	\$6,841	\$7,507	\$7,507
BUDGETED CAPITAL			
LEASED COMPUTER EQUIPMENT	\$1,367	\$1,630	\$1,630
BUDGETED CAPITAL TOTAL	\$1,367	\$1,630	\$1,630

FY24 FTE Salary



Comptroller

	FY24 Salary	FY24 FTE
TOWN COMPTROLLER	133,179.78	1.00
ASST COMPTROLLER	90,823.43	1.00
SENIOR ACCOUNTANT	146,176.28	2.00
SENIOR AUDIT CLERK	109,354.82	2.00
TOTAL	479,534.31	6.00

Purchasing Detailed

	FY22 Actual	2023 Budget	2024 Budget
SALARIES			
PERMANENT FULL TIME	\$429,980	\$436,172	\$437,292
TEMPORARY FULL TIME	\$524	\$0	\$0
OVERTIME PAY	\$78	\$0	\$0
LONGEVITY PAY	\$3,667	\$3,667	\$3,667
A DAY BUYOUT	\$9,539	\$0	\$0
CLOTHING-UNIFORM ALLOWANCE	\$1,650	\$1,650	\$1,650

	FY22 Actual	2023 Budget	2024 Budget
SALARIES TOTAL	\$445,438	\$441,489	\$442,609
SERVICES			
OFFICE EQUIP R & M	\$0	\$250	\$250
COPY EQUIP RENTAL/LEASES	\$10,546	\$18,038	\$18,038
PROFESSIONAL/TECH SERVICE	\$1,500	\$10,000	\$30,000
WIRELESS COMMUNICATIONS	\$432	\$720	\$720
POSTAGE	\$217,799	\$243,962	\$243,962
PRINTING SERVICES	\$10,228	\$28,292	\$28,292
ADVERTISING SERVICES	\$909	\$1,200	\$5,200
SERVICES TOTAL	\$241,415	\$302,462	\$326,462
SUPPLIES			
OFFICE SUPPLIES	\$12,265	\$23,960	\$23,960
SUPPLIES TOTAL	\$12,265	\$23,960	\$23,960
OTHER			
EDUCATION/TRAINING/CONFERENCES	\$4,695	\$4,600	\$4,600
OTHER TRAVEL	\$450	\$500	\$500
PROFESSIONAL DUES/MEMBERS	\$905	\$1,500	\$1,500
OTHER TOTAL	\$6,051	\$6,600	\$6,600
UTILITIES	\$741	\$2,304	\$1,017

Purchasing (2)

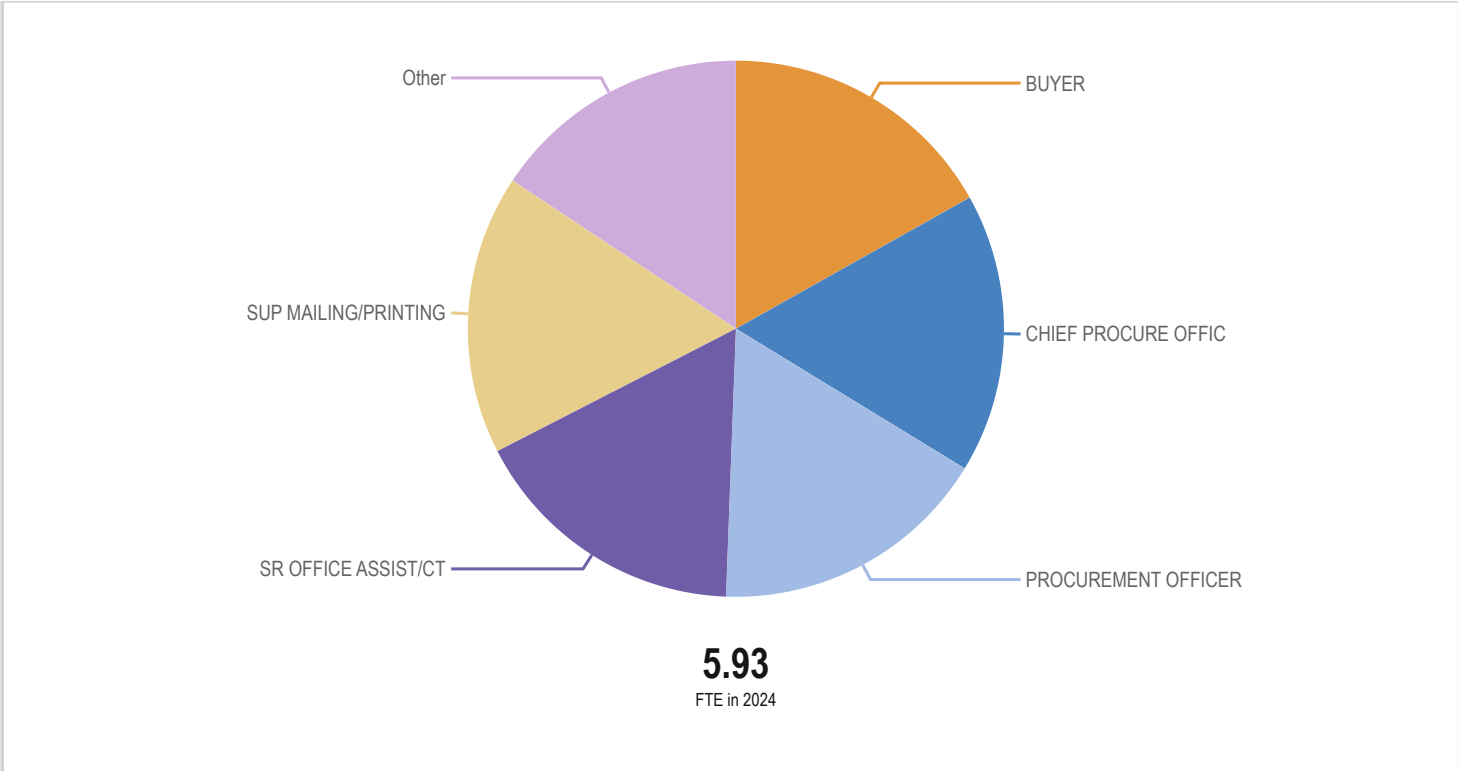
	FY22 Actual	2023 Budget	2024 Budget
SALARIES	\$347,040	\$342,077	\$343,197
SERVICES	\$5,049	\$14,397	\$38,397
SUPPLIES	\$757	\$3,060	\$3,060
OTHER	\$6,051	\$6,600	\$6,600
UTILITIES	\$741	\$2,304	\$1,017
BUDGETED CAPITAL	\$1,233	\$1,525	\$1,525
TOTAL	\$360,870	\$369,963	\$393,796

Purchasing General Services

	FY22 Actual	2023 Budget	2024 Budget
SALARIES	\$98,398	\$99,412	\$99,412
SERVICES	\$236,366	\$288,065	\$288,065

	FY22 Actual	2023 Budget	2024 Budget
SUPPLIES	\$11,509	\$20,900	\$20,900
TOTAL	\$346,273	\$408,377	\$408,377

FY24 FTE Salary



Purchasing

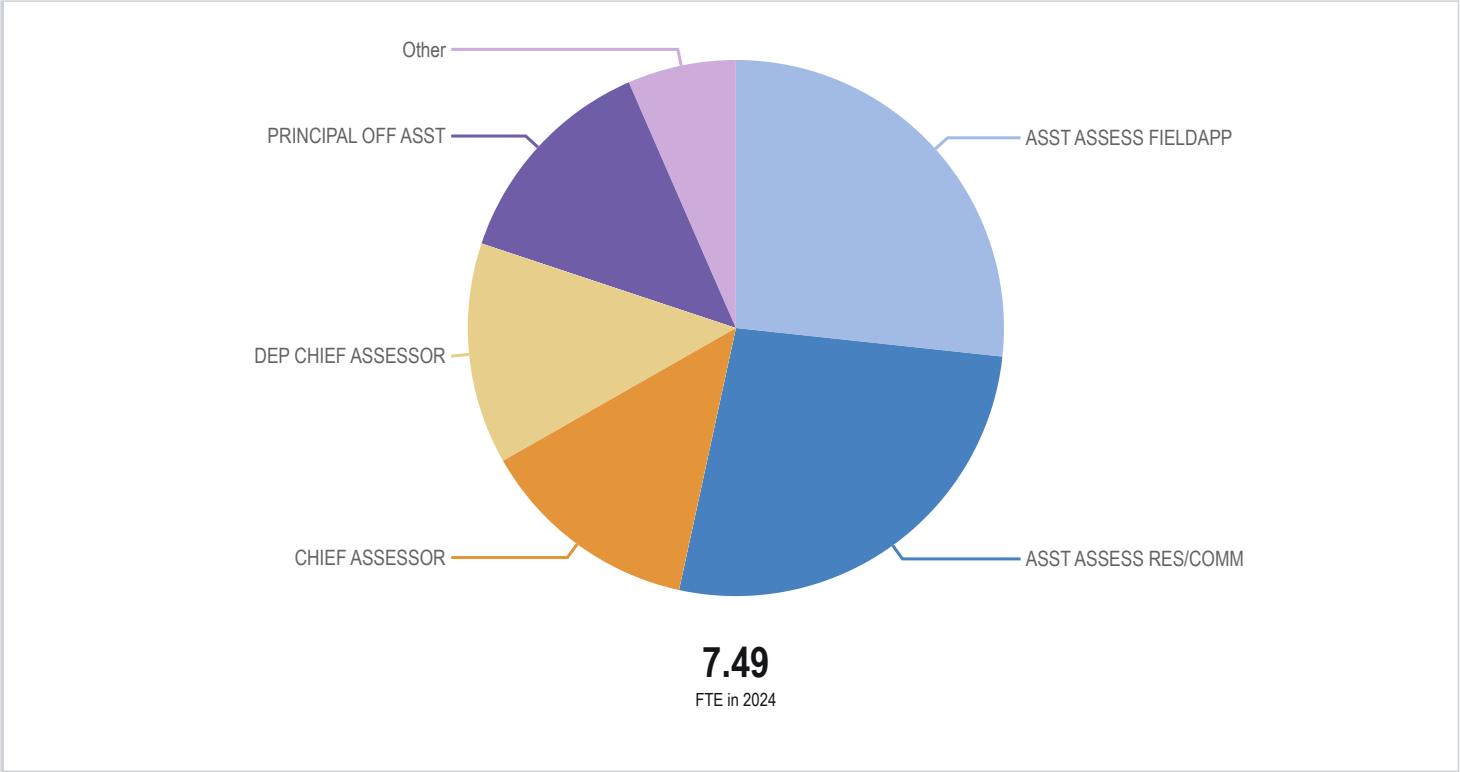
	FY24 Salary	FY24 FTE
CHIEF PROCURE OFFIC	133,180.25	1.00
PROCUREMENT OFFICER	93,348.20	1.00
SUP MAILING/PRINTING	59,643.52	1.00
BUYER	60,160.50	1.00
SR OFFICE ASSIST/CT	52,908.35	1.00
MAIL CLERK	38,051.19	0.93

	FY24 Salary	FY24 FTE
TOTAL	437,292.01	5.93

Assessing Detailed

	FY22 Actual	2023 Budget	2024 Budget
SALARIES			
PERMANENT FULL TIME	\$436,491	\$616,829	\$630,107
PERMANENT PART TIME	\$12,000	\$37,614	\$37,166
OVERTIME PAY	\$73	\$0	\$0
PART TIME TEMPORARY SAL	\$35,026	\$0	\$0
LONGEVITY PAY	\$5,450	\$6,850	\$6,580
SICK PAY BUYOUT	\$1,652	\$0	\$0
VACATION BUYOUT	\$4,061	\$0	\$0
A DAY BUYOUT	\$7,828	\$0	\$0
CLOTHING-UNIFORM ALLOWANCE	\$1,100	\$550	\$550
SALARIES TOTAL	\$503,680	\$661,843	\$674,403
SERVICES			
D P EQUIP R & M	\$265	\$0	\$0
COPY EQUIP RENTAL/LEASES	\$2,208	\$2,359	\$2,359
SOFTWARE SERVICE CONTRACT	\$19,330	\$15,000	\$15,000
SOFTWARE LICENSES	\$0	\$3,000	\$4,900
OFFICE/CLERICAL SERVICES	\$195	\$0	\$0
APPRAISAL SERVICES	\$11,289	\$23,900	\$23,900
GENERAL CONSULT SERVICES	\$1,375	\$4,000	\$4,000
WIRELESS COMMUNICATIONS	\$127	\$250	\$250
PRINTING SERVICES	\$2,789	\$0	\$0
DEED & ATB TRANSFER FEES	\$106	\$200	\$200
SUBSCRIPTIONS	\$8,756	\$17,000	\$17,000
SERVICES TOTAL	\$46,440	\$65,709	\$67,609
SUPPLIES			
OFFICE SUPPLIES	\$19,378	\$2,000	\$2,000
SUPPLIES TOTAL	\$19,378	\$2,000	\$2,000

FY24 FTE Salary



Assessing

	FY24 Salary	FY24 FTE
CHIEF ASSESSOR	133,179.78	1.00
DEP CHIEF ASSESSOR	105,566.12	1.00
ASST ASSESS RES/COMM	184,412.35	2.00
ASST ASSESS FIELDAPP	148,557.03	2.00
PRINCIPAL OFF ASST	58,391.96	1.00
OFFICE ASSISTANT - ASSESSOR	25,165.68	0.49
ASSESSOR BOARD MEMBERS	12,000.00	0.00
TOTAL	667,272.92	7.49

Treasury Detailed

	FY22 Actual	2023 Budget	2024 Budget
SALARIES			
PERMANENT FULL TIME	\$866,956	\$973,093	\$980,215
WORKING OUT OF CLASS	\$504	\$0	\$0
OVERTIME PAY	\$4,156	\$487	\$487

	FY22 Actual	2023 Budget	2024 Budget
PART TIME TEMPORARY SAL	\$18,003	\$0	\$0
LONGEVITY PAY	\$3,321	\$2,800	\$2,800
SICK PAY BUYOUT	\$13,345	\$0	\$0
VACATION BUYOUT	\$77,565	\$0	\$0
A DAY BUYOUT	\$11,274	\$0	\$0
CLOTHING-UNIFORM ALLOWANCE	\$3,300	\$2,200	\$2,200
OFFSET	\$0	-\$71,860	-\$71,860
SALARIES TOTAL	\$998,423	\$906,720	\$913,842
SERVICES			
OFFICE EQUIP R & M	\$345	\$1,200	\$1,200
COMPUTER SOFTWARE R & M	\$46,262	\$88,726	\$88,726
COPY EQUIP RENTAL/LEASES	\$4,721	\$11,000	\$11,000
PHOTOCOPY SERVICE CONTRAC	\$0	\$500	\$500
OTHER EQUIPMENT RENTAL/LEASE	\$5,388	\$0	\$0
OFFICE/CLERICAL SERVICES	\$3,658	\$5,722	\$5,722
GENERAL CONSULT SERVICES	\$0	\$11,500	\$11,500
POSTAGE	\$261	\$250	\$250
PRINTING SERVICES	\$0	\$250	\$250
ADVERTISING SERVICES	\$0	\$250	\$250
CREDIT CARD SERVICE CHARGES	\$121,496	\$155,000	\$155,000
BANKING SERVICES	\$20,688	\$45,000	\$45,000
TAX TITLE COSTS	\$0	\$25,000	\$25,000

Treasury Administration

	FY22 Actual	2023 Budget	2024 Budget
SALARIES	\$151,010	\$41,726	\$41,726
SERVICES	\$179,511	\$309,422	\$309,422
SUPPLIES	\$8,750	\$10,000	\$10,000
OTHER	\$4,377	\$6,100	\$6,100
BUDGETED CAPITAL	\$2,272	\$2,600	\$2,600
TOTAL	\$345,920	\$369,848	\$369,848

Treasury Collector

	FY22 Actual	2023 Budget	2024 Budget
SALARIES	\$347,626	\$250,131	\$250,592
OTHER	\$2,117	\$0	\$0
TOTAL	\$349,742	\$250,131	\$250,592

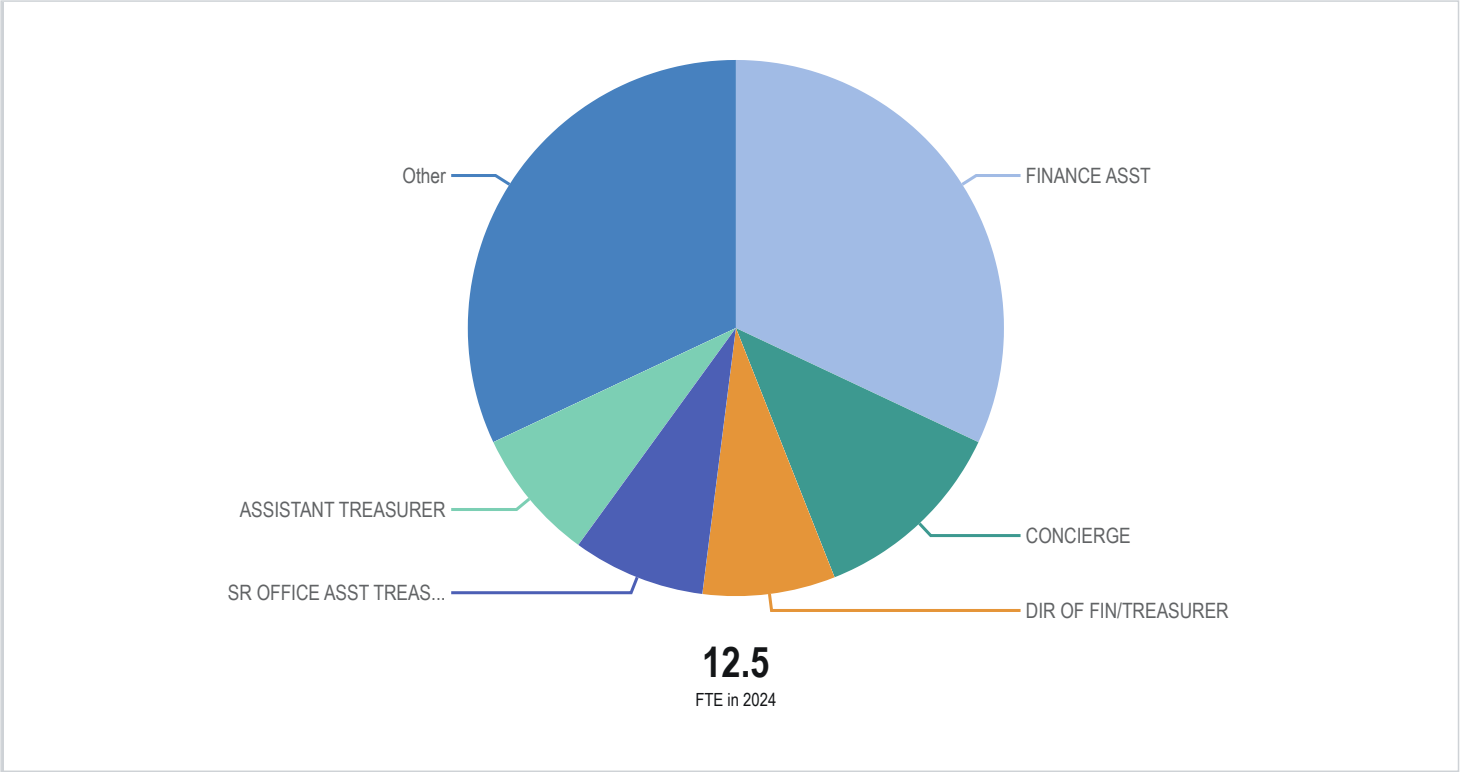
Treasury Payroll

	FY22 Actual	2023 Budget	2024 Budget
SALARIES	\$381,750	\$375,154	\$379,195
COMPUTER SOFTWARE R & M	\$20,284	\$28,726	\$28,726
COPY EQUIP RENTAL/LEASES	\$699	\$2,000	\$2,000
PHOTOCOPY SERVICE CONTRAC	\$0	\$250	\$250
OFFICE/CLERICAL SERVICES	\$2,203	\$4,250	\$4,250
SUPPLIES	\$4,451	\$5,000	\$5,000
OTHER	\$2,728	\$2,700	\$2,700
BUDGETED CAPITAL	\$261	\$0	\$0
TOTAL	\$412,375	\$418,080	\$422,121

Treasury Treasurer

	FY22 Actual	2023 Budget	2024 Budget
SALARIES	\$118,037	\$239,709	\$242,329
OTHER	\$1,527	\$0	\$0
TOTAL	\$119,564	\$239,709	\$242,329

FY24 FTE Salary



Treasurer

	FY24 Salary	FY24 FTE
DIR OF FIN/TREASURER	167,768.13	1.00
PAYROLL DIRECTOR	116,539.66	1.00
ASSISTANT COLLECTOR	89,757.99	1.00
ASSISTANT TREASURER	85,130.85	1.00
ASST PAYROLL DIRECTOR	89,758.12	1.00
PAYROLL COORDINATOR	76,953.07	1.00
FINANCE ASST	230,332.50	4.00
SR OFFICE ASST TREASURER	52,115.18	1.00
CONCIERGE	71,859.76	1.50
TOTAL	980,215.27	12.50

PERFORMANCE / WORKLOAD INDICATORS

	ACTUAL FY2021	ESTIMATE FY2022	ACTUAL FY2022	ESTIMATE FY2023	ESTIMATE FY2024
COMPTROLLER					
Payment Vouchers/ Invoices Processed	36,427	40,000	37,106	40,000	40,000
EFT Payments Processed	1,487	1,800	1,547	1,800	1,800
Manual checks processed	0	0	0	0	0
Computer Checks Processed	12,556	14,000	11,916	14,000	14,000
Vendors Serviced	4,456	4,600	4,374	4,600	4,600
Journal Vouchers Processed	1,626	1,600	1,807	1,600	1,700
Requisitions Approved	7,216	9,000	8,887	9,000	9,000
Cash Receipts Processed	18,140	22,000	20,238	22,000	22,000
Miscellaneous Committed Bills Created	4,110	4,000	4,147	4,000	4,000

PERFORMANCE / WORKLOAD INDICATORS

	ACTUAL FY2021	ACTUAL FY2022	ESTIMATE FY2023	ESTIMATE FY2024
PURCHASING				
Blanket Contracts	90	95	95	95
Public Bids	80	65	70	70
Purchase Orders (PO's)	7,233	8,887	8,900	9,000
PO \$ Value (millions)	\$94.24	\$84.13	\$90.00	\$93.00

PERFORMANCE / WORKLOAD INDICATORS

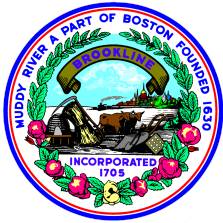
ASSESSORS	ACTUAL FY2021	ESTIMATES FY2022	ACTUAL FY2022	ESTIMATE FY2023	ESTIMATE FY2024
Revaluation/ DOR Certification Cycle	Update	Update	Update	Update	Revaluation
Property Inspections Completed	2,815	2,500	2,790	2,500	3,000
Building Permits Reviewed	1,774	2,000	1,789	1,800	1,800
Property Sales Reviewed	654	700	690	700	700
Property Transfers (Deeds) Reviewed	1,168	1,200	1,478	1,300	1,200
Income & Expense Statements Reviewed	273	300	276	300	300
Personal Property Returns Reviewed	383	400	458	400	400
Exempt Property Returns Reviewed (3ABC)	82	100	83	90	90
Residential Exemption Audits Completed	350	350	470	360	360
Statutory (Personal) Exemptions Granted	97	100	88	85	100
Abatement Applications Received/Reviewed	173	200	157	132	200
Appellate Tax Board Petitions Filed/Reviewed	74	75	36	50	50
Motor Vehicle Excise Bills Committed	32,598	33,000	30,675	33,000	33,000
MVE Bills Abated	1,148	1,500	1,162	1,200	1,200

PERFORMANCE / WORKLOAD INDICATORS

	ACTUAL FY2020	ESTIMATE FY2021	ACTUAL FY2021	ESTIMATE FY2022	ESTIMATE FY2023
<u>TREASURER / COLLECTOR</u>					
Current Year Collections:					
Real Estate Tax	98.23%	98.00%	98.41%	98.00%	98.00%
Personal Property Tax	86.39%	87.00%	86.86%	86.00%	87.00%
Motor Vehicle Excise Tax	89.95%	90.00%	84.29%	84.00%	86.00%
Refuse	95.50%	96.00%	95.12%	95.00%	96.00%
Water	90.03%	93.00%	89.55%	89.00%	90.00%
Method of Payment:					
Checks	73.53%	75.00%	67.68%	65.00%	65.00%
Electronic Funds Transfer	21.57%	20.00%	26.73%	28.00%	28.00%
Credit Card	3.61%	3.50%	3.93%	4.00%	4.00%
Telephone/Mobile/Text (CC & EFT)	1.13%	1.50%	1.66%	3.00%	3.00%
Municipal Lien Certificates (MLC) Issued	1,760	1,500	2,075	1,850	1,900
Investment Earnings:					
Total \$	\$1,153,616	\$345,000	\$811,853	\$345,000	\$500,000
Investment Return	5.0%	2.0%	3.0%	2.0%	2.5%
Total Payrolls	110	120	139	143	120
Total # of Checks	2,414	2,400	1,597	1,768	1,768
Total # of Direct Deposits	91,143	92,000	84,439	87,553	87,553
W-2's Prepared Annually	4,025	4,000	3,624	3,850	4,000
% of Employees on Direct Deposit	99%	99%	99%	99%	99%

Town of Brookline FY24 Program Budget

Administration and Finance | Planning and Community Development



Program Description

The Department of Planning and Community Development is responsible for the Town's planning initiatives and programs relative to land use regulations, historic preservation, housing, economic development, sustainability and CDBG/HOME grants as well as undertaking long-term projects to advance the priorities of the Select Board. As part of this responsibility, the Department provides support to the Planning Board, Zoning Board of Appeals, Housing Advisory Board, Economic Development Advisory Board, Small Business Development Committee, Community Development Block Grant Committee, Preservation Commission and Select Board Climate Action Committee as well as Select Board-appointed committees related to corridor studies and site-specific projects.

There are four divisions in the Planning Department: Regulatory, Community Planning, Economic Development & Long-Term Planning, and Sustainability. For purposes of budget reporting, the Department-wide Administration and Regulatory Division are combined as the Planning and Administration Sub-program; the Community Planning Division is referred to here as the Housing Sub-program.

1. The **Planning and Administration Sub-program** focuses on improving the quality of life of all residents through: administration of the Zoning By-Law; provision of technical assistance to Town agencies, citizens and groups, as well as developers, attorneys, and architects on potential development projects; preparation and review of proposed By-Law amendments; preparation and management of design and related improvement plans; and management of the land use regulatory process including preparation of recommendations and decisions and the on-going monitoring of associated conditions of approval. This sub-program includes the work of the Preservation Planners and the Preservation Commission who promote, protect, restore and preserve Brookline's historical and cultural assets. Major functions include the preparation and implementation of policies, programs, and plans to guide development while preserving the historic integrity of the town; the identification and preservation of historic and cultural resources; and administration of the Town's Historic Districts and Demolition By-Laws.
2. The **Housing Sub-program** works to increase the supply and quality of affordable housing in town as well as manage federal funding to local programs and projects that provide enhanced public facilities, social services and expanded economic opportunities, principally for low- and moderate-income persons. This work includes affirmatively marketing, overseeing participant selection, conducting lotteries, and monitoring existing deed-restricted affordable housing units. Town-controlled local and federal funds are leveraged to improve existing affordable housing properties and develop new affordable housing units, which includes documenting compliance with complex federal regulations and reporting requirements. Staff also ensure new housing units are permitted and developed in compliance with the Town's Inclusionary Zoning By-Law and state regulations related to the State Housing Inventory.

3. The **Economic Development Sub-program**, which includes Long-Term Planning initiatives, focuses on identifying and encouraging appropriate economic growth, fostering the prosperity of businesses in the town's commercial areas, enhancing Brookline's physical appearance by promoting design excellence in new development, preserving and enhancing the character of neighborhoods, and undertaking long-term planning to support and promote the best interests of Brookline. This work includes assisting the Town Administrator's Office in the preparation of the Capital Improvements Program.
4. The **Sustainability Sub-program** works towards zero emissions within the Town of Brookline, which includes: providing annual detailed reporting and analysis of energy use compared to our baseline year on behalf of all municipal Departments to comply with Green Communities state grant funding; managing the community aggregation electricity program (Brookline Green Electricity); supporting other Departments by identifying grant opportunities related to sustainability and adaptation; serve on the Brookline Emergency Management Team to integrate the Hazard Mitigation Plan and Climate Action Plan; and developing local policies and regulations to incentivize fossil fuel free construction and renovation.

FY24 Objectives

1. Published Disadvantage Business Enterprise (DBE) status for all Department contracts – including certified and non-certified entities.
2. Incorporated racial equity action plan into Department's strategic plan following Department-wide racial equity training.
3. Completed the Housing Production Plan, including a prioritized implementation schedule.
4. Participated in the permitting, environmental reviews, sourcing of local pre-development funding, closing process and construction oversight for affordable housing projects at 108 Centre Street and 32 Marion Street.
5. Drafted zoning amendments potentially resulting in: more housing units and commercial development along Boylston Street between High Street and Brington Road.
6. Continued leading the 10 Brookline Place Select Board-appointed committee towards a rezoning to permit development of biolab space.
7. Implemented Coolidge Corner and JFK Crossing small business and commercial area COVID-recovery projects identified as part of the Town's participation in the state's Local Rapid Recovery technical assistance program.
8. Began work with Planning Process Committee to further scope, timing, and budget for an update to the Comprehensive Plan.
9. Selected to work with the Massachusetts Housing Partnership as they developed a housing yield compliance model associated with MGL 40A, Section 3A, MBTA Communities Housing requirements.
10. Led the December 2022 renewal of the Town's community aggregation electricity program, including increasing the renewable energy certificates (RECs) of the standard "opt-in" product.
11. Continued to work with MA DOER and consultants to analyze municipal energy use data to recommend the most pragmatic path for municipal energy use to be reduced, in compliance with the Green Communities Grant funding program.
12. Completed grant-funded work to develop long-range plans for electrification of the municipal fleet and associated EV infrastructure as well as update the Climate Action Plan for prioritizing actions to achieve net zero carbon emissions.
13. Commenced the Community Preservation Act grant-funding program, including creating a Community Preservation Act plan for the Town.
14. Worked with consultants and the property owner to historically document 25 Cottage Road (home and studio to architect Henry Hobson Richardson) as well as specifying best practices for the transfer of some of the interior of the structure to a permanent, protected location.

FY23 Accomplishments

1. Published Disadvantage Business Enterprise (DBE) status for all Department contracts – including certified and non-certified entities.
2. Incorporated racial equity action plan into Department's strategic plan following Department-wide racial equity training.
3. Completed the Housing Production Plan, including a prioritized implementation schedule.
4. Participated in the permitting, environmental reviews, sourcing of local pre-development funding, closing process and construction oversight for affordable housing projects at 108 Centre Street and 32 Marion Street.
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Planning Detailed

	FY22 Actual	2023 Budget	2024 Budget
SALARIES			
PERMANENT FULL TIME	\$1,034,235	\$1,700,193	\$1,713,101
PERMANENT PART TIME	\$15,273	\$48,850	\$23,850
OVERTIME PAY	\$11,655	\$9,001	\$9,001
LONGEVITY PAY	\$1,400	\$7,100	\$7,100
SICK PAY BUYOUT	\$10,420	\$0	\$0
VACATION BUYOUT	\$34,556	\$0	\$0
A DAY BUYOUT	\$10,939	\$0	\$0
CLOTHING-UNIFORM ALLOWANCE	\$1,650	\$4,400	\$4,450
OFFSET	\$0	-\$448,458	-\$421,186
SALARIES TOTAL	\$1,120,128	\$1,321,086	\$1,336,316
SERVICES			
OFFICE EQUIP R & M	\$474	\$900	\$900
COPY EQUIP RENTAL/LEASES	\$3,047	\$3,247	\$3,247
SOFTWARE LICENSES	\$693	\$0	\$0
PROFESSIONAL/TECH SERVICE	\$42,522	\$55,000	\$55,000
PLANNING CONSULTING SERVC	\$31,377	\$10,000	\$10,000
WIRELESS COMMUNICATIONS	\$501	\$150	\$150
PRINTING SERVICES	\$557	\$2,276	\$10,541
ADVERTISING SERVICES	\$3,176	\$100,717	\$90,652
SUBSCRIPTIONS	\$1,450	\$860	\$2,660
SERVICES TOTAL	\$83,795	\$173,150	\$173,150
SUPPLIES			
OFFICE SUPPLIES	\$8,329	\$8,112	\$8,300

	FY22 Actual	2023 Budget	2024 Budget
SPECIAL PROGRAM SUPPLIES	\$0	\$1,500	\$500

Planning Rev

	FY22 Actual	2023 Budget	2024 Budget
REVENUES	\$88,052	\$107,137	\$107,137
REVENUES LESS EXPENSES	\$88,052	\$107,137	\$107,137

Planning Admin

	FY22 Actual	2023 Budget	2024 Budget
SALARIES	\$771,668	\$729,802	\$732,177
SERVICES	\$50,513	\$104,380	\$104,159
SUPPLIES	\$7,959	\$7,412	\$8,800
OTHER	\$2,517	\$4,200	\$3,805
BUDGETED CAPITAL	\$2,355	\$3,569	\$3,569
TOTAL	\$835,012	\$849,363	\$852,510

Planning Housing

	FY22 Actual	2023 Budget	2024 Budget
SALARIES	\$78,413	\$102,230	\$134,111
SERVICES	\$0	\$855	\$1,000
SUPPLIES	\$371	\$1,790	\$0
OTHER	\$0	\$200	\$0
TOTAL	\$78,784	\$105,075	\$135,111

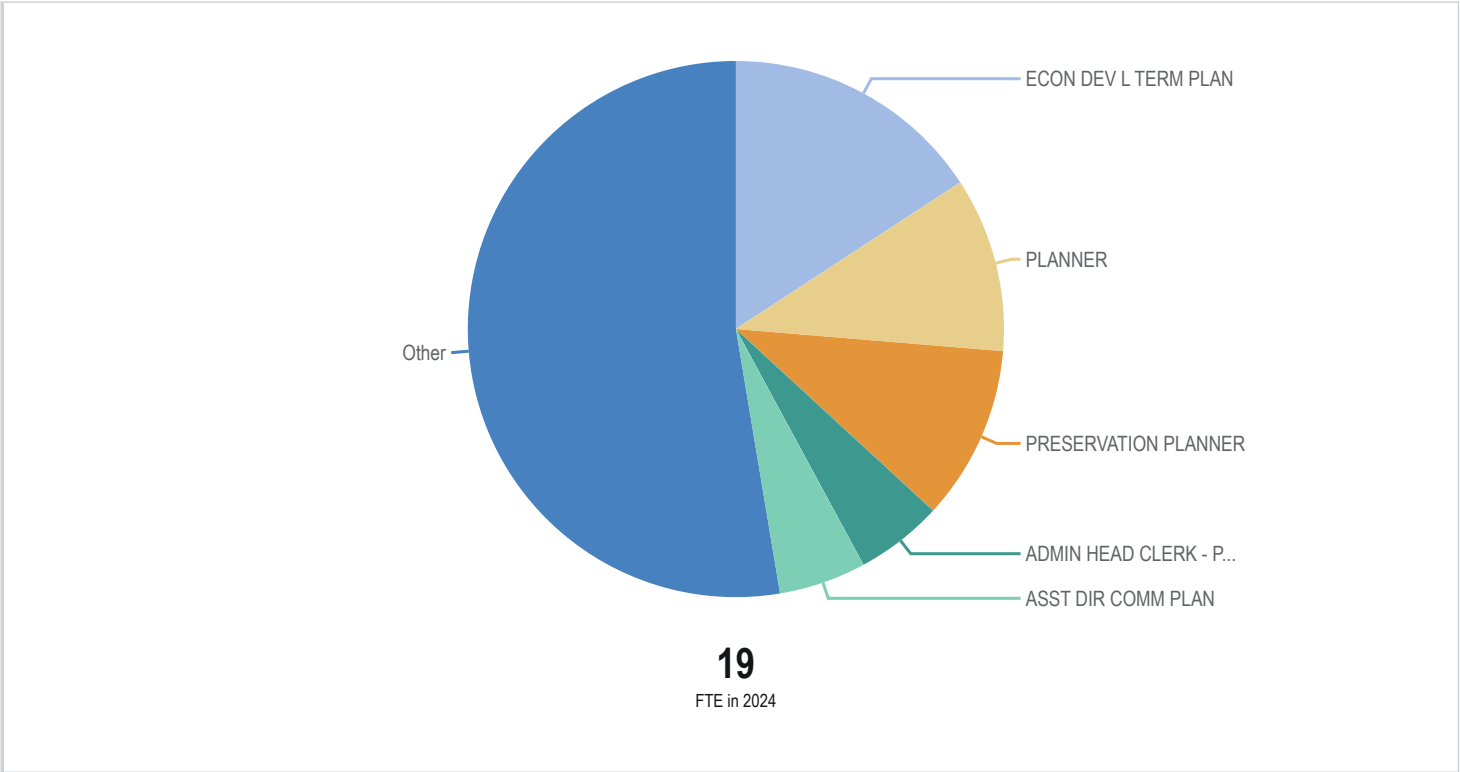
Planning Econ Development

	FY22 Actual	2023 Budget	2024 Budget
SALARIES	\$259,921	\$369,600	\$373,891
SERVICES	\$33,282	\$42,915	\$42,991
SUPPLIES	\$0	\$510	\$0
OTHER	\$0	\$150	\$0
BUDGETED CAPITAL	\$645	\$0	\$0
TOTAL	\$293,848	\$413,175	\$416,882

Planning Sustainability

	FY22 Actual	2023 Budget	2024 Budget
SALARIES	\$6,227	\$119,455	\$96,138
SERVICES	\$0	\$25,000	\$25,000
TOTAL	\$6,227	\$144,455	\$121,138

FY24 FTE Salary



Planning

	FY24 Salary	FY24 FTE
SUSTAINABILITY DIR	96,138.08	1.00
ECONOMIC DEV DIR	106,131.30	1.00
COMMUNITY PRESERVATION PLANNER	78,824.67	1.00
PLANNING DIRECTOR	135,859.96	1.00
ASST DIR COMM PLAN	7.00	1.00
ASST DIR REG PLANNING	105,004.27	1.00
CD ADMINISTRATOR	91,715.92	1.00
PRESERVATION PLANNER	152,183.62	2.00
ECON DEV L TERM PLAN	228,346.75	3.00
SR HOUSING PLANNER	87,330.34	1.00
SR PLANNER	89,704.76	1.00
HOUS PRJT PLANNER	83,541.29	1.00
COMMUNITY PLANNER	82,185.77	1.00
PLANNER	152,040.89	2.00

	FY24 Salary	FY24 FTE
ADMIN HEAD CLERK - PLANNING	65,980.03	1.00
CHAIR BOARD OF APPEALS	12,600.00	0.00
BOARD OF APPEALS MEMBERS	11,250.00	0.00
TOTAL	1,578,844.64	19.00

PERFORMANCE / WORKLOAD INDICATORS

	ACTUAL FY2021	ESTIMATE FY2022	ACTUAL FY2022	ESTIMATE FY2023	ESTIMATE FY2024
CDBG Programs Managed (monitoring, reporting)	20	16	16	14	12
New Affordable Units Underway					
HOME/Housing Trust/CDBG funded Units	0	169	TBD	169	TBD
Inclusionary Units	3	5	TBD	15	TBD
Affordable Housing Preservation					
Ownership housing resales	8	6	TBD	6	TBD
Rental unit renovation	0	100	TBD	100	TBD
Zoning Caseload					
Board of Appeals/Planning Board	74	80	89	82	86
40B Comprehensive Permits	3	6	5	1	1
Sign & Façade Cases	66	65	62	80	85
Preservation Caseload					
Demolition Applications	72	65	73	65	75
Applications found historically significant	~	~	29	26	30
% significant cases resolved with Pres. Comm.	~	~	21	21	21
Historic District Applications	143	145	160	175	190
Existing Businesses Assisted	42	20	29	20	29
New Businesses Assisted	5	5	4	5	7
Opened Storefronts	3	3	3	3	5
EDAB Projects under					
zoning study/permitting/construction	3	2	2	3	3
# Façade Loans Granted	0	1	1	2	5
Active Façade Loans	1	1	2	1	1
Brookline Storefront Retail Vacancy Rates	11.8%	11.5%	12.5%	11.0%	10.5%
Regional Retail Vacancy Rates	not avail	11.5%	not avail	11.0%	11.0%
Meals Tax per Restaurant	\$5,944	\$6,849	\$9,058	\$9,058	\$9,058
Hotel Excise Tax per Room	\$541	\$1,037	\$2,515	\$1,907	\$3,238
EDAB Projects Property Tax Yield (millions)	\$5.2	\$5.2	\$5.7	\$5.8	\$5.8
EDAB Projects Estimated Rooms Tax Yield	\$208,739	\$400,242	\$970,687	\$1,436,416	\$1,465,145

7.A.

Proposed ballot questions May 2, 2023 Annual Town Election

Questions 1 through 5 are separate questions. You may vote for or against each question independently. Each question requires a majority of those voting on that question to pass.

Question 1.

Shall the Town of Brookline be allowed to assess an additional \$11,983,367 in real estate and personal property taxes for the purposes of funding the costs of Brookline Public Schools (\$6,988,367) and funding the costs of additional expenditures in municipal departments (\$4,995,000) for the fiscal year beginning July 1, 2023?

Yes _____ No _____

A “yes” vote on this question would allow an additional \$11,983,367 in real estate and personal property taxes for school and municipal purposes.

A “no” vote would make no additional tax increase other than what is allowed by Proposition 2 1/2.

Town Counsel Summary: [tk]

Argument **IN FAVOR OF** the \$11,983,367 levy limit override for school and municipal purposes.

Prepared by [tk] :

Argument: [tk]

Argument **AGAINST** the \$11,983,367 levy limit override for school and municipal purposes.

Prepared by [tk] :

Argument: [tk]

7.A.

Town Counsel Draft
Proposed Ballot Questions
March 10, 2023
page 2 of 6

Question 2.

Shall the Town of Brookline be allowed to assess an additional \$1,000,000 in real estate and personal property taxes for the purposes of funding the costs of low- to moderate-income recreation scholarships for the fiscal year beginning July 1, 2023?

Yes _____ No _____

A “yes” vote on this question would allow an additional \$1,000,000 in real estate and personal property taxes for low- to moderate-income recreation scholarships.

A “no” vote would make no additional tax increase other than what is allowed by Proposition 2 1/2.

Town Counsel Summary: [tk]

Argument **IN FAVOR OF** the \$1,000,000 levy limit override for low- to moderate-income recreation scholarships.

Prepared by [tk] :

Argument: [tk]

Argument **AGAINST** the \$1,000,000 levy limit override for low- to moderate-income recreation scholarships.

Prepared by [tk] :

Argument: [tk]

Question 3.

Shall the Town of Brookline be allowed to assess an additional \$____,____,____ in real estate and personal property taxes for the purposes of funding the costs of a municipal composting collection service for the fiscal year beginning July 1, 2023?

Yes _____ No _____

A “yes” vote on this question would allow an additional \$____,____,____ in real estate and personal property taxes for municipal composting collection services.

A “no” vote would make no additional tax increase other than what is allowed by Proposition 2 1/2.

Town Counsel Summary: [tk]

Argument **IN FAVOR OF** the \$____,____,____ levy limit override for municipal composting collection services.

Prepared by [tk] :

Argument: [tk]

Argument **AGAINST** the \$____,____,____ levy limit override for municipal composting collection services.

Prepared by [tk] :

Argument: [tk]

Question 4.

Shall the Town of Brookline be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to pay for the bonds issued in order to pay costs of constructing a new PreK-8 School which includes renovations/addition to the existing historic Pierce School and other site improvements including reconstruction and repair of the Town Hall and Pierce School garages which are beneath the new school and the Town Park across School Street, including the payment of all costs related to designing the new school project, equipping and furnishing the school, site improvements, and all other costs incidental and related thereto?

Yes _____ No _____

A “yes” vote on this question would allow a debt exclusion override for the construction of a new Grade PreK-8 school, along other site improvements.

A “no” vote would make no additional tax increase other than what is allowed by Proposition 2 1/2.

Town Counsel Summary: [tk]

Argument **IN FAVOR OF** the debt exclusion override for constructing a new John R. Pierce School.

Prepared by [tk] :

Argument: [tk]

Argument **AGAINST** the debt exclusion override for constructing a new John R. Pierce School.

Prepared by [tk] :

Argument: [tk]

Question 5.

Shall the Town of Brookline adopt the following changes to the Town's General Bylaws, consistent with Warrant Article 15 of 2022 Special Town Meeting?

General Bylaws, Part VIII – Public Health and Safety, Article 8.37, Marijuana Establishments, Section 8.37.4, Caps on the Number Select Board Licenses for Marijuana Retailers would be amended as follows:

(additions are underlined and deletions appear in ~~stricken text~~):

The Select Board shall not issue more Marijuana Establishment licenses in each of the following categories of Marijuana Establishment licenses than the number that is 20% of the number of liquor licenses for off-premises alcohol consumption that have been issued by the Select Board pursuant to M.G.L. c. 138, §15, as rounded up to the nearest whole number in the event the number is a fraction: ~~a) Storefront Marijuana Retailers,~~
~~b) a) Marijuana Delivery Operators,~~ b) Social Consumption Retailers, and ~~c) Marijuana Couriers.~~ c) Marijuana Couriers.

The Select Board shall not issue more than four Storefront Marijuana Retailer licenses.

Yes _____ No _____

A "yes" vote on this question would limit the number of storefront marijuana retailer licenses in the Town to four or less.

A "no" vote would make no changes to the number of storefront marijuana retailer licenses in the Town.

Town Counsel Summary:

If passed, this local ballot question would limit the number of storefront marijuana retailer licenses in the Town to four or less. The November 2022 Special Town Meeting passed this proposed bylaw as Warrant Article 15. State law requires that the Town of Brookline voters decide whether to adopt this bylaw change. General Laws, c. 94G, § 2(e).

The license cap will stay unchanged for all other license types. These other license types include marijuana delivery operators, social consumption retailers, and marijuana couriers. The present license cap for each license type equals 20% of the number of liquor licenses for off-premises alcohol consumption that the Select Board has issued. Today, the cap is five.

If passed, the bylaw section would now read as follows:

Section 8.37.4 Caps on the Number Select Board Licenses for Marijuana Retailers

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The Select Board shall not issue more Marijuana Establishment licenses in each of the following categories of Marijuana Establishment licenses than the number that is 20% of the number of liquor licenses for off-premises alcohol consumption that have been issued by the Select Board pursuant to M.G.L. c. 138, §15, as rounded up to the nearest whole number in the event the number is a fraction: a) Marijuana Delivery Operators, b) Social Consumption Retailers, and c) Marijuana Couriers.

The Select Board shall not issue more than four Storefront Marijuana Retailer licenses.

Argument **IN FAVOR OF** the capping the number of storefront marijuana retailer licenses at four.

Prepared by [tk] :

Argument: [tk]

Argument **AGAINST** the capping the number of storefront marijuana retailer licenses at four.

Prepared by [tk] :

Argument: [tk]

ARTICLE 1FIRST ARTICLE

Submitted by: Select Board

To see if the Town will establish that the number of Measurers of Wood and Bark be two, to be appointed by the Select Board, or act on anything relative thereto.

PETITIONER'S ARTICLE DESCRIPTION

Article 20 of the November, 2000 Special Town Meeting requires that this be the first article at each Annual Town Meeting. It calls for the Select Board to appoint two Measurers of Wood and Bark.

ARTICLE x

x ARTICLE

Submitted by: Human Resources

To see if the Town will raise and appropriate, or appropriate from available funds, a sum or sums of money to fund the cost items in collective bargaining agreements between the Town and various employee unions; fund wage and salary increases for employees not included in the collective bargaining agreements; and amend the Classification and Pay Plans of the Town; or act on anything relative thereto.

PETITIONER'S ARTICLE DESCRIPTION

This article is inserted in the Warrant for any Town Meeting when there are unsettled labor contracts. Town Meeting must approve the funding for any collective bargaining agreements.

ARTICLE xx ARTICLE

Submitted by: Treasurer/Collector

To see if the Town will authorize the Town Treasurer, with the approval of the Select Board, to enter into Compensating Balance Agreement(s) for FY2024 in accordance with General Laws Chapter 44, Section 53F, or act on anything relative thereto.

PETITIONER'S ARTICLE DESCRIPTION

This article authorizes the Town Treasurer to enter into Compensating Balance Agreements, which are agreements between a depositor and a bank in which the depositor agrees to maintain a specified level of non-interest bearing deposits in return for which the bank agrees to perform certain services for the depositor. In order to incorporate such compensating balance agreements into the local budget process, the Commonwealth passed a law in 1986 mandating that all such arrangements be authorized by Town Meeting on an annual basis.

ARTICLE x

25 MAR 3 4:34

x ARTICLE

Submitted by: Select Board

To see if the Town will authorize the Comptroller to close out either all or a portion of the unexpended balances in certain Special Appropriations and return said sums to the Surplus Revenue accounts, and rescind the unused portion of prior borrowing authorizations, or act on anything relative thereto.

PETITIONER'S ARTICLE DESCRIPTION

Section 2.1.4 of the Town's By-Laws requires that each Annual Town Meeting include a warrant article showing the status of all special appropriations.

ARTICLE xx ARTICLE

Submitted by: Select Board

To see if the Town will, in accordance with General Laws, Chapter 44, Section 64, authorize the payment of one or more of the bills of the previous years, which may be legally unenforceable due to the insufficiency of the appropriations therefore, and appropriate from available funds, a sum or sums of money therefore, or act on anything relative thereto.

PETITIONER'S ARTICLE DESCRIPTION

This article is inserted in the Warrant for every Town Meeting in case there are any unpaid bills from a prior fiscal year that are deemed to be legal obligations of the Town. Per Massachusetts General Law, unpaid bills from a prior fiscal year can only be paid from current year appropriations with the specific approval of Town Meeting.

BOARD OF ASSESSORS

The Board of Assessors voted at their regular meeting held on **February 21, 2023** to recommend to the 2023 Annual Town Meeting to continue to grant additional property tax exemption amounts allowed by law as follows:

PROPOSED ARTICLE FOR 2023 ANNUAL TOWN MEETING

To see if the Town will elect to establish an additional property tax exemption for fiscal year 2024 which shall be uniform for all exemptions, in accordance with Section 4 of Chapter 73 of the Acts of 1986, as amended by Chapter 126 of the Acts of 1988, and accept said Section 4, as amended, or act on anything relative thereto.

PETITIONER'S EXPLANATION

This article provides for an increase in the property tax exemptions for certain classes of individuals, including surviving spouses, low-income elderly, the blind and disabled veterans. The proposed increases, which require annual reauthorizations, have been approved by Town Meeting continually since FY1989.

PETITIONER'S RECOMMENDATION

This article provides for an increase in the property tax exemption amounts for certain classes of individuals, including surviving spouses, the elderly, the blind and disabled veterans. The proposed increases, which require annual reauthorizations, have been approved annually since FY1989. The estimated cost for FY2024 is approximately \$41,025 and is funded from the tax abatement overlay reserve account. The law allows the Town to increase the exemptions by up to 100% as indicated on the following schedule, which are recommended by the Board of Assessors:

Description	Ch.59, Sec.5 Clause	FY2023 #Granted	Basic Amount Exempted	Proposed Amount Exempted
Surviving Spouse	17D	3	\$175	\$350
Veteran (10% Disability)	22	40	\$400	\$800
Veteran (loss of one hand, foot or eye)	22A	0	\$750	\$1,500
Veteran (loss of two hands, feet or eyes)	22B	0	\$1,250	\$2,500
Veteran (special housing)	22C	0	\$1,500	\$3,000
Veteran (certain widows of soldiers)	22D	0	\$250	\$500
Veteran (100% disability, cannot work)	22E	6	\$1,000	\$2,000
Blind	37A	29	\$500	\$1,000
Elderly	41C	8	\$500	\$1,000

TO BE VOTED BY ROLL CALL OF THE SELECT BOARD:

That the Town elect to establish an additional property tax exemption for fiscal year 2024 which shall be uniform for all exemptions, in accordance with Section 4 of Chapter 73 of the Acts of 1986, as amended by Chapter 126 of the Acts of 1988, and accept said Section 4, as amended.

ADVISORY COMMITTEE'S CONSIDERATIONSBACKGROUND

This Article would allow the Town to continue its current practice of increasing state-mandated property tax exemptions for several classes of qualifying taxpayers, including veterans with a 10% or greater disability, surviving spouses, blind taxpayers, and low-income elderly taxpayers. The town is required to give these taxpayers, if eligible, a basic exemption whose amount is specified in Chapter 59, Section 5 of the Massachusetts General Laws and which is partially reimbursed by the state. The Town also has the option to increase these exemptions by any amount up to 100%. The increase must be uniform across all the exemptions, and the increased exemption amount, per taxpayer, may be limited by the change in the taxpayer's bill over their previous fiscal year's tax liability.

DISCUSSION

The proposed increases require annual authorization and have been approved by Town Meeting each year since FY1989. It is hard to imagine the Town denying, for instance, disabled veterans and fixed-income elderly the additional exemptions allowed under state law. The Assessors estimate that the cost for FY2024 will be approximately \$41,025 and has already built a reserve for this purpose in the tax abatement overlay reserve account.

ARTICLE 8EIGHTH ARTICLE

Submitted by: Advisory Committee

To see if the Town will:

A.) Fiscal Year 2024 Budget

Appropriate the sums requested or proposed by the Select Board or by any other officer, board or committee, or any other sum or sums, for the fiscal year 2024 budget; without limiting the foregoing, appropriate the sums necessary for all town expenses, including the snow and ice budget, debt and interest, and operating expenses; fix the salaries of all elected officers as provided for in General Laws, Chapter 41, Section 108; authorize the leasing, leasing with an option to purchase or installment purchase of equipment; appropriate to or from a stabilization fund as provided for in General Laws Chapter 40, Section 5B; appropriate CPA funds as provided in General Laws, Chapter 44, Section 44B; authorize the continuation of all revolving funds in accordance with General Laws, Chapter 44, Section 53E½ and all Enterprise Funds in accordance with General Laws, Chapter 44, Section 53F½; allocate available free cash; provide for a reserve fund; and establish the requirements for transfers among appropriations, interfund transfers, transfers for the purposes of salary adjustments, filling vacant positions and budgetary reporting.

B.) Fiscal Year 2024 Special Appropriations

Appropriate sums of money for the following special purposes:

1. Appropriate \$25,000, or any other sum, to be expended under the direction of the Chief Procurement Officer for town furniture upgrades.
2. Appropriate \$375,000, or any other sum, to be expended under the direction of the Building Commissioner, with any necessary contracts over \$100,000 to be approved by the Select Board, for the Brookline Village Library HVAC improvements.
3. Appropriate \$900,000, or any other sum, to be expended under the direction of the Police Chief, with any necessary contracts over \$100,000 to be approved by the Select Board, for upgrades/replacement of the Police and Fire Department's radio infrastructure.
4. Appropriate \$200,000, or any other sum, to be expended under the direction of the Police Chief, with any necessary contracts over \$100,000 to be approved by the Select Board, for the equipment and of the Body Worn and In-Car Camera program.
5. Appropriate \$500,000, or any other sum, with any necessary contracts over \$100,000 to be approved by the Select Board, to be expended under the direction of the Commissioner of Public Works, for traffic calming.

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May 23, 2023 Annual Town Meeting

8-2

6. Appropriate \$700,000, or any other sum, with any necessary contracts over \$100,000 to be approved by the Select Board, to be expended under the direction of the Commissioner of Public Works, for bike access improvements. 23 MAR 9 AM 10:55
7. Appropriate \$75,400, or any other sum, to be expended under the direction of the Commissioner of Public Works, for Accessible Pedestrian Signals.
8. Appropriate \$3,930,000, or any other sum, to be expended under the direction of the Commissioner of Public Works, with any necessary contracts over \$100,000 to be approved by the Select Board, for the rehabilitation of streets.
9. Appropriate \$500,000, or any other sum, to be expended under the direction of the Commissioner of Public Works, with any necessary contracts over \$100,000 to be approved by the Select Board, for the rehabilitation of sidewalks.
10. Appropriate \$800,000, or any other sum, to be expended under the direction of the Commissioner of Public Works, with any necessary contracts over \$100,000 to be approved by the Select Board, for design work related to the Washington Street Rehabilitation and Complete Streets Program.
11. Appropriate \$600,000, or any other sum, to be expended under the direction of the Commissioner of Public Works, with any necessary contracts over \$100,000 to be approved by the Select Board, for storm water improvements.
12. Appropriate \$2,000,000, or any other sum, to be expended under the direction of the Commissioner of Public Works, with any necessary contracts over \$100,000 to be approved by the Select Board, for water system improvements.
13. Appropriate \$3,000,000, or any other sum, to be expended under the direction of the Commissioner of Public Works, with any necessary contracts over \$100,000 to be approved by the Select Board, for wastewater system improvements.
14. Appropriate \$520,000, or any other sum, to be expended under the direction of the Commissioner of Public Works, with any necessary contracts over \$100,000 to be approved by the Select Board, for the design of the renovation of Amory Tennis Courts, Parking and Halls Pond.
15. Appropriate \$350,000, or any other sum, to be expended under the direction of the Commissioner of Public Works, with any necessary contracts over \$100,000 to be approved by the Select Board, for improvements to Monmouth Park.
16. Appropriate \$2,000,000, or any other sum, to be expended under the direction of the Commissioner of Public Works, with any necessary contracts over \$100,000 to be approved by the Select Board, for the renovation of Schick Playground.
17. Appropriate \$285,000, or any other sum, to be expended under the direction of the Commissioner of Public Works, with any necessary contracts over \$100,000 to be

approved by the Select Board, for the renovation of playground equipment, fields, and fencing.

18. Appropriate \$100,000, or any other sum, to be expended under the direction of the Commissioner of Public Works for the rehabilitation of Town and School grounds.
19. Appropriate \$300,000, or any other sum, to be expended under the direction of the Commissioner of Public Works, with any necessary contracts to be approved by the Select Board and the Park and Recreation Commission, for the rehabilitation of tennis courts and basketball courts. 28 FEB 9 AM 10:57
20. Appropriate \$375,000, or any other sum, to be expended under the direction of the Commissioner of Public Works, with any necessary contracts over \$100,000 to be approved by the Select Board and the Tree Planting Committee, for the removal and replacement of trees.
21. Appropriate \$150,000, or any other sum, to be expended under the direction of the Recreation Director for the renovation of the Soule Courtyard.
22. Appropriate \$300,000, or any other sum, to be expended under the direction of the Recreation Director, with any necessary contracts to be approved by the Select Board and the Park and Recreation Commission, for tree work at Putterham Woods.
23. Appropriate \$25,000, or any other sum, to be expended under the direction of the Chief Procurement Officer for school furniture upgrades.
24. Appropriate \$200,000, or any other sum, to be expended under the direction of the Building Commissioner for HVAC equipment.
25. Appropriate \$90,000, or any other sum, to be expended under the direction of the Building Commissioner for ADA renovations to Town and School facilities.
26. Appropriate \$250,000, or any other sum, to be expended under the direction of the Building Commissioner for elevator renovations.
27. Appropriate \$130,000, or any other sum, to be expended under the direction of the Building Commissioner for upgrades to energy management systems in Town and School facilities.
28. Appropriate \$125,000, or any other sum, to be expended under the direction of the Building Commissioner, for public building fire alarm upgrades.
29. Appropriate \$170,000, or any other sum, to be expended under the direction of the Building Commissioner, for improvements to life safety systems and building security in Town and School facilities.
30. Appropriate \$1,000,000 or any other sum, to be expended under the direction of the Building Commissioner, with any necessary contracts over \$100,000 to be approved by the

Select Board and the School Committee, for minor renovations / upgrades to school buildings.

23 MAR 9 AM 10:57

31. To see if the Town will appropriate Two Hundred Nine Million Nine Hundred Fifteen Thousand Nine Hundred Fifty-Eight Dollars (\$209,915,958) to the pay costs of constructing a new PreK-8 School which includes renovations/addition to the existing historic Pierce School and other site improvements including reconstruction and repair of the Town Hall and Pierce School garages which are beneath the new school and the Town Park across School Street to be located on the site of the existing John R. Pierce School at 50 School Street in Brookline, Massachusetts replacing the existing John R. Pierce School, including the payment of all costs related to designing the new school project, equipping and furnishing the school, site improvements, and all other costs incidental and related thereto (the "Project"), which new school facility shall have an anticipated useful life as an educational facility for the instruction of school children of at least 50 years, and for which the Town may be eligible for a grant from the Massachusetts School Building Authority (the "MSBA"); and to determine if said appropriation shall be expended under the direction of the Town of Brookline Select Board; to determine if said appropriation shall be raised by borrowing or otherwise; to determine if the Town shall acknowledge that the MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs the Town incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town and that any grant that the Town may receive from the MSBA for the Project shall not exceed the lesser of (1) thirty-five and fifty-five hundredths percent (35.55%) of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA; to determine if the amount of any borrowing authorized for the project shall be reduced by any grant amount set forth in and received pursuant to the Project Funding Agreement that may be executed between the Town and the MSBA; to determine whether the appropriation and any borrowing authorized for the project shall be contingent upon the Town's passage of a ballot question to exempt the principal and interest payments on such borrowing from the tax limitations of G.L. c.59, §21C (Proposition 2 ½); or to take any other action relative thereto.
32. Appropriate \$2,026,982, or any other sum, to be expended under the direction of the School Superintendent, with any necessary contracts to be approved by the School Committee, for the expansion of classroom capacity in various schools.
33. Appropriate \$275,000, or any other sum, to be expended under the direction of the Commissioner of Public Works, with any necessary contracts over \$100,000 to be approved by the Select Board, for improvements at Robinson Playground, and to rescind a like amount voted at the November 15, 2022 Special Town Meeting under Article 1, Item 4, which item was inadvertently omitted from the warrant for such meeting;
34. Appropriate \$355,000, or any other sum, to be expended under the direction of the Commissioner of Public Works, with any necessary contracts over \$100,000 to be approved by the Select Board, for improvements at Murphy Playground, and to rescind a like amount voted at the November 15, 2022 Special Town Meeting under Article 1, Item 5, which item was inadvertently omitted from the warrant for such meeting;

35. Appropriate \$1,259,083, or any other sum, to resolve the special revenue account deficit as a result of COVID expenses that may not be eligible for reimbursement.

C.) Funding

And determine whether such appropriations shall be raised by taxation, transferred from available funds, borrowed or provided by any combination of the foregoing, and authorize the leasing, leasing with an option to purchase, or the installment purchase of any equipment or any capital items; and authorize the Select Board, except in the case of the School Department Budget, and with regard to the School Department, the School Committee, to apply for, accept and expend grants, gifts, reimbursements, and aid from both federal, state, and other sources and agencies for any of the purposes noted in this Article, or act on anything relative thereto.

PETITIONER'S ARTICLE DESCRIPTION

This is the annual appropriations article for FY2024. Included in this omnibus budget article are operating budgets, special appropriations, enterprise funds, revolving funds, and conditions of appropriation. This is the culmination of work that officially began with the publication of the Town Administrator's Financial Plan on March 7th. The proposed budget has since been reviewed by numerous sub-committees of the Advisory Committee, the full Advisory Committee, and the Select Board. The vote ultimately recommended to Town Meeting is offered by the Advisory Committee.

25:07 PM 5/24/23

FY 24 ANNUAL COMMUNITY PRESERVATION PROGRAM BUDGET

Submitted by: Department of Planning and Community Development

To see if the Town will vote to appropriate and reserve from Community Preservation Fund annual revenues or available CPA reserve funds the amounts recommended by the Community Preservation Committee for committee administrative expenses, debt service, community preservation projects and other expenses in Fiscal Year 2024, with each item to be considered a separate appropriation as follows:

<u>PURPOSE</u>	<u>RECOMMENDED AMOUNT</u>	<u>CPA FUNDING SOURCE</u> (If other than annual fund revenues)
<u>Appropriation</u>		
Community Preservation Committee – Administrative Expenses	<u>177,500</u>	
<u>Reserves</u>		
Budgeted Reserves	<u>1,977,500</u>	
Open Space & Recreation	<u>465,000</u>	
Historic Preservation	<u>465,000</u>	
Community Housing	<u>465,000</u>	

Or act on anything thereto.

EXPLANATION

The Community Preservation Committee (CPC) recommends a total budget of \$3,550,000 for FY24.

Under the Community Preservation Act (CPA), Brookline derives revenue from three sources: A one-percent CPA surcharge on the property tax, matching funds from the Massachusetts Community Preservation Trust account distributed yearly to each CPA participating community, and interest earned by the Brookline CPA accounts.

The CPA law requires that Town Meeting appropriate at least ten-percent of Brookline CPA annual revenue to the three allowed purposes under the act: Community housing, open space & recreation, and historic preservation. Up to five-percent may be appropriated each year for staff and administration.

The CPA law mandates that the Town create and the Select Board appoint a Community Preservation Committee. The committee has been meeting since June, 2022 and continues to meet monthly with subcommittee meetings in between full committee meetings.

8.A.

The Community Preservation Plan Development and Implementation

June/July 2022	Training for CPC members.
August 2022 – November 2022	<ul style="list-style-type: none"> Established the CPC's organization and structure. Developed and issued RFQ for procurement of consultant for assistance in developing CPA plan.
December 2022 – February 2023	<ul style="list-style-type: none"> Reviewed applicant/consultant materials, Interviewed and checked references. Voted to approve contract with consultant.
March 2023 – May 2023	<ul style="list-style-type: none"> Work with consultant to develop a draft CPA plan with community engagement. Integrate relevant existing Town plans into the CPA plan. Review of needs with boards/committees in targeted areas, i.e. housing, open space/recreation, and historic preservation.
June 2023 – September 2023	<ul style="list-style-type: none"> Complete draft CPA plan. Hold public hearing on draft plan (as required by State law). Review and revise draft plan. Approve final plan.
September 2023 – March 2024	<ul style="list-style-type: none"> Accept applications for CPA funds. Review applications and ensure that CPA regulations are met. Make award recommendations. Submit Warrant Article recommendations for May, 2024 Town Meeting.

The CPA plan will provide guidance for Town Departments and others seeking CPA funds: Spelling out goals, objectives, and priorities; providing information about the process for submitting and reviewing proposals; and a schedule geared to the deadline for submitting recommendations in time for the Town Meeting warrant.

A very important point: Town Meeting must ultimately vote the appropriation of CPA funds, but only for eligible projects the Community Preservation Committee has recommended. Town Meeting may reduce or reject a project, but cannot increase funding above the CPC recommendation.

Any additional funds remain unappropriated and available for future appropriation. Unspent funds accumulate year by year.

In Early April, the Department of Revenue will provide CPA eligible communities with an estimated FY 24 distribution from the CPA Trust Fund. The FY 24 distribution is likely to be less than the FY 23 distribution, but this information is currently unavailable. After the CPC

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receives the Department of Revenue April 2023 estimated distribution, the CPC may, if needed, update the Committee's recommendation.

The FY 23 CPA reserve appropriations for the community housing, open space and recreation, and historic preservation reserves did not comply with the 10% requirement. Therefore, the Committee is recommending an additional \$110,000 be added to these reserves, as a true-up:

FY 24 Revenue

Estimated FY 24 Local CPA Net Surcharge Revenue	\$2,800,000
Estimated FY 24 CPA Trust Fund Distribution	\$ 750,000
Total FY24 Recommended Appropriation	\$3,550,000

Required FY 24 Ten Percent Budgeted Reserves Distributions

Community Housing Reserve	\$355,000
Open Space & Recreation Reserve	\$355,000
Historic Preservation Reserve	\$355,000

	FY 23 True-up	FY 24 Required	FY 23 true-up plus FY 24 Requirement
Community Housing Reserve	110,000	355,000	465,000
Open Space & Recreation Reserve	110,000	355,000	465,000
Historic Preservation Reserve	110,000	355,000	465,000

Submitted by: Neil Gordon, TMM1

Email: neil@nrgordon.com

Phone: 508 265 1362

ARTICLE ____

To see if the Town will amend Section 2.1.13 of the General Bylaws, as follows
(deletions in ~~strikeout~~, additions in **bold underline**):

SECTION 2.1.13 PETITION ARTICLES The Select Board shall insert in the warrant for every special town meeting all subjects the insertion of which shall be requested of them in writing by ~~ten (10)~~ **fifty (50)** or more registered voters in the Town.

Or take any other action relative thereto.

50 Signatures

Name (sign and print)

Address

Precinct

<i>[Signature]</i> NAME GORDA	87 1/2 ST	1
LAURA WEISEL	87 IRVY	1
<i>[Signature]</i> DANIEL F. JIM	138 DAVIS	6
DAVID GACEROT	18 SPANER RD	14
ANDY LIU	61 GRIGGS RD	10
<i>[Signature]</i> ANDERSON	106 DAVIS AVE	6
TOMMY VITOLO	153 UNIVERSITY RD	10
JEFF RUNDOLPH	29 GREENOUGH ST.	6
<i>[Signature]</i> MICHAEL A. SANDMAN	115 SEARLL AVE #4	3
PAMELA LODISH	120 SEAVEN ST.	14
<i>[Signature]</i> JIM FRANCO	126 AMONG ST	2
<i>[Signature]</i> BERNARD GREENE	77 POND #102	4
<i>[Signature]</i> SAM PARNELL	60 LONGWOOD AVE #310	17
JENNIFER TARANTO	153 UNIVERSITY RD	10
<i>[Signature]</i> KEVIN MACKENZIE	19 STATHMORE RD	3
<i>[Signature]</i> ANTHONY BORO	12 GREENWAY CT	6 17
<i>[Signature]</i> WERNER LOHE	25 SALISBURY	13
CAROL LOHE	25 SALISBURY	13
<i>[Signature]</i> LYNDA ROSEMAN	49 ACKERS AVE	14
NANCY S. HELLER	40 HILLOTFORD	8
<i>[Signature]</i> BRIAN KANE	4 LINCOLN RD	6
BARBARA C. SCOTTO	26 CROWNSHIELD RD	2
<i>[Signature]</i> SUZANNE FEDERSPIEL	3 GREENOUGH CIR	6
<i>[Signature]</i> JONATHAN GOLDER	1450 BEAVER ST #301	11
<i>[Signature]</i> ROBERT MILLER	19 COPLEY ST	2
CARLOS TAMAYO	341 ST. PAUL ST, #6	2
KAREN LIVINGSTON	1501 BENSON	10

Name (sign and print)

Address

Precinct

James K. Smith	22 Brighton Rd.	6
Brian Hochlander	35 Elm St.	6
Cornelia van der Ziel	Cornelia van der Ziel 100 Wilcott Rd	15
Francine B. Perler	Perler 74A Fuller ST	8
Arden Keamer	72 STEEDMAN ST	8
David A. Penning	David Penning 25 Goldard Circle	15
V A H Smith	12 Linden St	6
Alexander Lebovitz	3 Bradford Ter.	8
Amanda Zimmerman	411 Washington #6	7
DAVID LESCOMIER	50 WINCHESTER ST	11
AMY R. FRASER	21 CARP ST	1
MARION FREEDMAN-GUREPAN	1108 LINDEN ST	9
Neil Wishinsky	20 Henry St	5

Submitted by: Neil Gordon, TMM1

Email: neil@nrgordon.com

Phone: 508 265 1362

ARTICLE ____

To see if the Town will amend Section 2.1.13 of the General Bylaws, as follows
(deletions in ~~strikeout~~, additions in **bold underline**):

SECTION 2.1.13 PETITION ARTICLES

(a) **Definitions:**

Voter Initiated Petition – The petition of voters in the Town requesting insertion of a subject in the warrant for an annual town meeting pursuant to M.G.L. c. 39, s. 10, or special town meeting.

Lead Petitioner – The registered voter of the Town identified as such on a Voter Initiated Petition.

(b) **Insertion in the warrant of Voter Initiated Petitions:** The Select Board shall insert in the warrant for every special town meeting all subjects the insertion of which shall be requested of them in writing by ten (10) or more registered voters in the Town.

(c) **For administrative purposes, each Voter Initiated Petition shall identify a single Lead Petitioner, and shall include such Lead Petitioner's relevant contact information.**

(d) Failure to comply with the provisions of subsection (c) shall not relieve the Select Board from inserting in the warrant a subject otherwise meeting the criteria for such insertion.

Or take any other action relative thereto.

LEAD PETITIONER

Name (sign and print)	Address	Precinct
Michael New Garden	87 Ivy	1
Laura Wessel	87 Ivy	1
Dan F. Fish	138 Davis	6
DAVID GACCOCH	18 Spooner	14
ANDY LIU	61 Griggs Rd	10
Marian Nobrega	33 Bowker St	3
Catherine Anderson	106 DAVIS Ave	6
Tommy Vitolo	153 University Rd	10
JEFF RUDOLPH	29 GREENOUGH ST.	6
(Michael A. Sandman)	115 Seaver Ave #4	3
PAMELA LODISH	120 Seaver St	14
James F. Fung	126 Amory St #3	2
Sam Parnell	60 Longwood Ave #310	17
Jennifer Taranto	153 University Rd	10
Clint Richmond	36 Greenough	6
LINDA ROSEMAN	49 Ackers Ave	14
Nancy Heller	40 Abbeotsford	8
Brian Kae	4 Lincoln Rd #7	6
CAROL LOHE	25 Salisbury	13
Barbara C. Scott	26 Crowninshield Rd	2
Suzanne Federspiel	3 Greenough Cir	6
Jonathan Golden	1450 Beacon St #301	11
Robert Miller	19 Copley St	2
Carlos Tamayo	341 St. Paul St, #6	2
Karen Livingston	1501 Beacon St	10
Kim Smith	22 Brighton Rd.	6
Brian Hochlechner	35 Elm Street	6

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lead petitioner - Page 2

Name (sign and print)

Address

Precinct

Cornelia van der Zee	100 Wolcott Rd	15
Francis B. Perler	74A Fuller St	8
Al M. K...	ARDEN KEAMER 72 STEDMAN ST.	8
David A. P...	David P...	25 Giddens Circle 15
Virginia Smith	12 Linden St.	
Alexander J. Lebowitz	Alexander Lebowitz 3 Bradford Ter.	8
Amanda Zimmerman	411 Washington #6	7
David P. Lescoulier	DAVID P. LESCOULIER 50 WINDCHESTER #103	11
Amy F. Guncion	71 Carlton St	1
Marion Freedman-Gorspan	MARION FREEDMAN-GORSPAN 11 WELLMAN ST #3	9
Neil Wishinsky	Neil Wishinsky 20 Henry St	✓

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APPROPRIATE TO DISCUSS

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ARTICLE

23 MAR 8 AM 1:56

CTOS Warrant Article Submission

May 2023

Contacts:

Richard Benka (CTOS) rcvben@verizon.net 617-739-6102

Harry Bohrs (CTOS) harry.bohrs@gmail.com 617-291-0839

Jean Berg (Chair, CTOS) jberg123@hotmail.com 617-734-8358

ARTICLE ____:

WARRANT ARTICLE REVIEW PROCESS

Petitioner: Committee on Town Organization and Structure

To see if the Town will amend the first paragraph of Section 2.5.2, the first paragraph of Article 3.22, and Section 2.1.3 of the General By-Laws as follows (insertions in **bold underline**, deletions in ~~strikethrough~~):

SECTION 2.5.2 COMBINED REPORTS

The explanation and relevant data submitted by the petitioners for a petition article shall be included, together with the article, in the combined reports. The Select Board and the Advisory Committee (or in the alternative to the full Advisory Committee a subcommittee of the Advisory Committee) each shall hold at least one duly noticed public hearing **on all articles** ~~prior to a final vote of the Select Board or the Advisory Committee, as the case may be, on any article in the Warrant.~~ The Select Board ~~and the Advisory Committee~~ shall prepare written reports, stating ~~their~~ **its** recommendations, **if any,** and the reasons **for each such recommendation or a decision not to make a recommendation** therefor, for all articles in the Warrant for a Town Meeting. **The Select Board shall give priority to making recommendations on articles that (1) have been submitted by a Town department, board, committee, or commission; (2) request action by the Massachusetts state legislature; (3) propose to amend any Town by-law; (4) authorize or require the Town to enter binding agreements; or (5) involve any appropriation of funds. The Advisory Committee, in accordance with Section 2.2.6 (General Duties), shall prepare written reports or recommendations on any or all articles.** The reports **of the Select Board and Advisory Committee** shall be included in the combined reports to be emailed or mailed upon request as follows:

ARTICLE 3.22

THE PUBLIC'S RIGHT TO BE HEARD ON WARRANT ARTICLES

Any committee as defined in section 1.1.4, before taking ~~its first or only vote~~ **a vote on a report or making a recommendation to Town Meeting** with respect to an Article on the Warrant, must hold a duly noticed public hearing with respect to the Article, and the committee's permanent record must record that a duly noticed public hearing with respect to such Article occurred before such vote.

Due notice of the public hearing shall be satisfied if the due notice complies with the Open Meeting Law (G.L. C. 30A, secs. 18 et seq.) and By-law 3.21.3(a).

The vote may take place at any time or date after the completion of the duly noticed public hearing.

This Article shall not apply to the plenum of the Advisory Committee or School Committee, provided a subcommittee of those bodies assigned to review and report to the full Committee on

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a warrant article complies with the by-law by holding a duly noticed public hearing before any vote on said warrant article.

SECTION 2.1.3 FILING OF ARTICLES

All Articles for insertion in the Warrant for any Annual or Special Town Meeting shall be filed in the office of the Select Board prior to 12:00 noon on the ~~75th~~ 90th day preceding the scheduled date of the opening session of said meeting. On the ~~75th~~ 90th day preceding the scheduled date of the opening session of said meeting, the Warrant shall be closed, and as soon as practicable thereafter signed, including only those Articles filed by the ~~75th~~ 90th day preceding said scheduled date.

Or act on anything relative thereto.

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EXPLANATION

CTOS Warrant Article Submission

May 2023

Contacts:

Richard Benka (CTOS) rcvben@verizon.net 617-739-6102

Harry Bohrs (CTOS) harry.bohrs@gmail.com 617-291-0839

Jean Berg (Chair, CTOS) jberg123@hotmail.com 617-734-8358

ARTICLE ____:

WARRANT ARTICLE REVIEW PROCESS

PETITIONER'S ARTICLE DESCRIPTION

Submitted by: Committee on Town Organization and Structure

This petitioner's description serves as the explanation of the warrant article submitted by the Committee on Town Organization and Structure (CTO&S), as well as the CTO&S report on the subject matter of Article 5 of the November 2022 Town Meeting, which that Town Meeting voted to refer to CTO&S.

SUMMARY

The average number of articles on the warrant for Town Meeting has increased by 50% since 2018. This warrant article recognizes the impact of this increase and offers proposals for considering and reporting on the increased number of articles. Unlike Article 5 of the November 2022 Town Meeting, this warrant article includes a clear requirement for the holding of public hearings on warrant articles and offers guidance as to which articles the Select Board should make recommendations on. It would amend the General Bylaws to require that the Select Board and Advisory Committee hold public hearings on all warrant articles and to clarify the existing bylaw requirement for holding such hearings. The warrant article would amend Section 2.5.2 of the General Bylaws to recognize that the Select Board may choose not to offer a recommendation on every warrant article, but the Select Board would be required to explain why it has declined to make a recommendation. Section 2.5.2 also would be amended to specify that the Select Board should give priority to five important categories of warrant articles: those that (1) have been submitted by a Town department, board, committee, or commission; (2) request action by the Massachusetts state legislature; (3) propose to amend any Town by-law; (4) authorize or require the Town to enter binding agreements; or (5) involve any appropriation of funds. The warrant article also would extend the period from the closing of the warrant until the first session of Town Meeting from 75 days to 90 days by amending 2.1.3. This would allow the Select Board and Advisory Committee to have more time to consider the increased number of articles on the warrant for each Town Meeting. Finally, the proposed article would amend 3.22 to better clarify that any committee, as defined in section 1.1.4, would be required to hold a public hearing only for those articles on which it votes on a report or makes a recommendation to Town Meeting. Beyond this warrant article, additional steps are necessary to limit the number of warrant articles or to make more time available for the Select Board and Advisory Committee to consider them.

BACKGROUND*The Increasing Number of Warrant Articles for Each Town Meeting*

In recent years, the number of warrant articles for Town Meetings has increased significantly. Since May 2018, each Town Meeting has had an average of 37.8 articles on the warrant, a 50%

increase compared to the average of 25.2 articles for Town Meetings between May 2001 and November 2017. Before May 2018, most Town Meetings considered 20–30 warrant articles. Since May 2018, the range has been 30–40 articles, and four Town Meetings have had over 40.

For any given Town Meeting, the number of articles on the warrant may not give an accurate indication of the amount of time that Town Meeting, the Select Board, Advisory Committee, and other boards, committees, and commissions must devote to considering those articles. Some articles are simple or uncontroversial. Sometimes groups of related articles can be considered simultaneously. Sometimes petitioners decide not to move their articles, although such decisions may not come until those articles have been debated by the Select Board and Advisory Committee. Nevertheless, over the past five years, the sustained increase in the number of warrant articles has required Town Meeting, the Select Board, the Advisory Committee, and other committees to spend more time reviewing and voting on warrant articles.

The Select Board's Decision ("Experiment") Not To Take A Position on Some Articles

Faced with a growing number of warrant articles that required more and more attention from its members and Town staff, the Select Board decided to save time by taking a position on some, but not all, of the articles on the warrant for the May 2022 Annual Town Meeting. Articles on which the Select Board did not take a position (i.e., make a recommendation) included those that were beyond the Select Board's jurisdiction (e.g., national and international issues such as the U.S. embargo against Cuba) and issues on which the Select Board already had taken a position (e.g. leaf blowers). The Select Board elected to take a position on articles for which a Town department was the petitioner, as well as those that were controversial and involved Town assets. By applying these criteria, for the May 2022 Town Meeting the Select Board took a position on approximately two-thirds of the articles on the warrant. The Select Board deemed this experiment a success and decided to follow a similar procedure for the November 2022 Town Meeting. The Select Board reported that for the November 2022 Town Meeting it used the following criteria for choosing the articles on which to offer recommendations:

- (1) Is the petitioner part of the Town, such as the Select Board or a Town Department?
- (2) Are there substantial budget implications for the Town?
- (3) Is the article likely to be controversial?

As it applied these criteria, the Select Board took a position on approximately half the articles on the November 2022 warrant.

Article 5 of the November 2022 Town Meeting

The Select Board placed Article 5 on the warrant for the November 2022 Town Meeting to formalize the process that the Board had followed at the May and November 2022 Town Meetings. Article 5 would have amended Section 2.5.2 of the General Bylaws to remove the requirement that the Select Board and Advisory Committee prepare written reports with recommendations for "all articles in the Warrant for a Town Meeting." By deleting "all" Article 5 would have enabled the Select Board and Advisory Committee to choose the articles on which they would offer reports and recommendations to Town Meeting. The Select Board's members

argued that this change would allow “them to focus on warrant articles that directly affected their work instead of holding hearings on articles that were not germane to their interests and authority.”

Referral of Article 5 at the November 2022 Town Meeting

CTO&S moved to refer the subject matter of Article 5 to CTO&S because the Committee had three concerns.

First, Article 5 could have deprived Town Meeting of the Select Board’s valuable advice on important warrant articles. The Select Board has a unique and important role in reviewing Town Meeting articles. As the executive branch of Town government, the Select Board is responsible for overseeing the operations of Town departments, approving upper-level hiring, and appointing members of boards, committees, and commissions. The Select Board has the experience, knowledge, staff support, and access to information that enable it to offer important insights into the likely effects of warrant articles. It has the ability to alert Town Meeting to potential problems in implementing, administering, enforcing, or funding warrant articles that change the Town’s bylaws or require the appropriation of funds. In many cases, the Select Board can play an indispensable role in vetting warrant articles carefully and thoroughly.

Second, if approved, Article 5 might reduce the number and quality of public hearings on warrant articles. The two Brookline bylaws that require public hearings on warrant articles (Section 2.5.2 and Article 3.22), both mandate public hearings by the Select Board and the Advisory Committee (or a subcommittee of The Advisory Committee) when a vote is taken. If Article 5, as proposed, had removed the requirement that the Select Board and Advisory Committee prepare written reports with recommendations for “*all* articles in the Warrant for a Town Meeting” (emphasis added), it is possible that neither body would hold a “final vote” or “first or only vote” on some warrant articles. Such a change would eliminate the requirement that a public hearing be held. There is a general recognition that public hearings play an important role in the review of warrant articles before Town Meeting. One reason for referring the subject matter of Article 5 to CTO&S was to explore ways of guaranteeing that public hearings were held even if the Select Board and Advisory Committee were not required to report or make recommendations on all warrant articles.

Third, Article 5 did not differentiate between the Select Board and the Advisory Committee. Article 5 was placed on the warrant by the Select Board. The explanation is written entirely from the perspective of the Select Board, but the provisions of Article 5 also applied to the Select Board. CTO&S argued that referral of Article 5 was necessary either to consider whether the Advisory Committee should be required to report on certain categories of warrant articles *or* to revise Section 2.5.2 of the bylaws to make it consistent with the recently amended Section 2.2.6 (General Duties).

Article 29 of the November 2020 Town Meeting amended the Town’s General Bylaws as follows to give the Advisory Committee greater latitude in deciding what to consider and the option of making reports or recommendations on warrant articles:

SECTION 2.2.6 GENERAL DUTIES

The Committee shall consider any ~~or and~~ all municipal questions, including appropriation requests and proposed action under all articles in the warrant for a Town Meeting, for the purpose of making reports ~~or and~~ recommendations to the Town.

The November 2022 Town Meeting by a vote of 162 in favor, 79 opposed, with 11 abstentions decided to refer the subject matter of Article 5 to CTO&S with a request that CTO&S consider amendments to the relevant bylaws and deliver a report no later than the May 2023 Town Meeting.

After the vote to refer Article 5, many Town Meeting members expressed concern that the Select Board had not taken a position or conducted a focused public hearing on several controversial and complicated articles that had been placed on the November 2022 warrant by the Zero Admissions Advisory Board (ZEAB). Some Select Board members agreed that the Board made a mistake in not taking a position on those articles.

CTO&S CONSIDERATION OF THE REFERRED SUBJECT MATTER OF ARTICLE 5

CTO&S met to consider the subject matter of Article 5 on January 25, February 8, February 23, February 28, and March 2, 2023. The January 25 and March 2 meetings included public hearings. Members of the Select Board and Advisory Committee participated in several of these meetings.

CTO&S attempted to balance the need to ensure that the Select Board and Advisory Committee fulfill their responsibilities with the fact that the increasing number of warrant articles has made it difficult to give every article serious attention. There was general recognition that some articles were more important than others. Town Meeting would, for example, benefit more from the reports and recommendations of the Select Board on complicated articles that created new sets of regulations, procedures, or funding mechanisms than on articles on topics such as U.S. foreign policy.

CTO&S ultimately voted to submit a warrant article that includes three bylaw amendments regarding how the Select Board and Advisory Committee review warrant articles, the requirement that public hearings be held, and the length of the time period between the closing of the warrant and the opening session of Town Meeting,

The three bylaw amendments reflect the following conclusions that emerged as CTO&S considered the subject matter of Article 5 of the November 2022 Town Meeting.

- *The Importance of Public Hearings.* Public hearings on warrant articles are, first and foremost, an opportunity for members of the public to offer comments, but they serve many other purposes. Public hearings can provide feedback to petitioners, who may then decide to reconsider or modify their warrant articles. They help the Select Board or Advisory Committee to decide what to recommend to Town Meeting. Particularly when the hearings are televised, they also educate the public and Town Meeting members about

the issues raised by petitioners, as well as the status and strengths and weaknesses of warrant articles. This public education function is particularly important now that Brookline does not have a print newspaper. Select Board public hearings are prominent and are made available to a wide audience by the Brookline Interactive Group. Public hearings also could help the Select Board (or Advisory Committee) to decide whether to make a report or recommendation on a warrant article. In the absence of a public hearing, the implications of a warrant article and its potential for generating a contentious debate may not be clear.

CTO&S concluded that it was particularly important for the Select Board to hold public hearings on all warrant articles. While it was recognized that the Advisory Committee often does the most in-depth analyses of warrant articles, the Select Board's meetings are the only ones that are both publicly televised and generally scheduled for the same day and approximate time each week. CTO&S believes that it is important to give the proponents and opponents of articles this opportunity to articulate their positions, to identify issues for Select Board consideration, and to permit the televised Select Board hearings to serve as a vehicle for public education.

The Town has traditionally afforded all individuals who wished to speak the opportunity to do so at a noticed public hearing. In response to concerns that proponents or opponents, or both, could "flood" a Select Board public hearing with speakers and thus exacerbate workload issues, CTO&S has obtained an opinion from Town Counsel's Office (see Appendix A) that the chair of a board or committee can impose reasonable, content-neutral, narrowly-tailored limits to the time allotted for comment on each warrant article at a public hearing. This could include limits on the time allotted to each speaker as well as prohibiting additional individuals from speaking when the total allotted time was reached, even at a public hearing. Thus, the issue of workload could be controlled.

- *Preparing Reports Need Not Impose an Excessive Burden.* In response to concerns that the writing of reports imposed excessive burdens on Select Board staff, CTO&S noted that even when a report is mandated, the bylaws cannot dictate the extensiveness, quality, or depth of that report. Those issues would be entirely in the control of the Select Board. The Select Board has increasingly deferred its voting on articles until the Advisory Committee or an Advisory Committee subcommittee has reported, and a Select Board report could simply state "The Select Board agrees with the Advisory Committee" or "The Select Board takes a position that [with a short listing of bullet points]" or "The Select Board makes no recommendation on this article." Here too, workload issues could be controlled.
- *The Select Board Has a Unique Ability and Responsibility to Advise and Inform Town Meeting on Some Categories of Warrant Articles.* The Select Board is the Town's elected executive body, which means that it represents all the residents of Brookline and is responsible for overseeing the functioning of Town departments. It also has direct access to the Town's executive and administrative personnel and the information that they can provide on the impact of warrant articles on the Town's operations and financial situation. The Select Board is often responsible for placing articles on the warrant, either

on its own behalf or on behalf of Town departments or committees that are appointed by the Select Board. The Select Board also has the responsibility for filing Home Rule Petitions with the state legislature. CTO&S thus believes that the Select Board should make recommendations for Town Meeting's consideration on specific categories of warrant articles that are of particular significance to the Town and on which the Select Board may have an important and unique perspective: articles that (1) have been submitted by a Town department, board, committee, or commission; (2) request action by the Massachusetts state legislature; (3) propose to amend any Town by-law; (4) authorize or require the Town to enter binding agreements; or (5) involve any appropriation of funds. Nonetheless, while making such recommendations should be the presumptive course, CTO&S recognizes that the Select Board members cannot effectively be compelled to take a position on any given warrant article, because members can always abstain on a vote. Thus, the amendment that CTO&S is proposing to Section 2.5.2 recognizes that the Select Board may choose not to make a recommendation on a warrant article, but requires that the Select Board state its reasons for offering no recommendation.

- *The Advisory Committee is Functioning Well Under the Bylaws Regarding Its Responsibilities for Preparing Reports and Recommendations on Warrant Articles.* CTO&S decided not to amend Section 2.2.6 of the General Bylaws, which states that the Advisory Committee may consider "any or all" questions, including warrant articles, for the purpose of making "reports or recommendations" to the Town. That language was added to Section 2.2.6 by the November 2020 Town Meeting and the process used by the Advisory Committee to consider and report on warrant articles appears to be working well, even if Town Meeting does not always vote the way the Advisory Committee recommends. CTO&S thought it would be premature to consider changes to Section 2.2.6. CTO&S did, however, decide that Section 2.5.2 of the General Bylaws should be amended to ensure that section was consistent with Section 2.2.6.
- *The Need for Further Actions.* CTO&S recognized that amending the bylaws regarding public hearings and the responsibilities of the Select Board and Advisory Committee would not address all the issues raised by the increasing number of warrant articles. Town Meeting itself also has found it challenging to consider a large number of warrant articles, particularly when some of those articles raise complex issues. It also will be necessary to reduce the number of warrant articles or to enable the Select Board, in particular, to find more time to devote to consideration of warrant articles.

EXPLANATION OF BYLAW AMENDMENTS PROPOSED BY THIS ARTICLE

The warrant article submitted by CTO&S on the warrant review process includes amendments to three sections of the Town's General Bylaws.

Amendment to Section 2.5.2 of the General Bylaws

The proposed CTO&S amendment to Section 2.5.2 includes the following components:

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- Select Board public hearings are explicitly required on all warrant articles, not just on those with regard to which there is a “final” or “first” vote. As noted above and in Appendix A, the chair can impose reasonable controls on public hearings.
- The Select Board would be required to prepare reports on all warrant articles. In practice, such reports need not be as detailed as the reports of the Advisory Committee. For some warrant articles, the Select Board may simply incorporate the reasoning of other reports, including those of the Advisory Committee.
- The Select Board would not be required to make a recommendation on every warrant article, but would be required to explain its reasons for deciding not to make a recommendation.
- The amendment specifies the categories of articles that deserve priority attention from the Select Board: on articles that (1) have been submitted by a Town department, board, committee, or commission; (2) request action by the Massachusetts state legislature; (3) propose to amend any Town by-law; (4) authorize or require the Town to enter binding agreements; or (5) involve any appropriation of funds. These are the types of articles for which the Select Board has a special responsibility, or on which the Select Board and its staff can provide important information and perspectives that would be valuable to Town Meeting.
- The amendment adds a reference to the recent November 2020 amendment to bylaw Section 2.2.6 (General Duties) regarding the Advisory Committee. Section 2.5.2 would thus be consistent with that section, which gives the Advisory Committee the option of considering “any or all” articles and offering “reports or recommendations” on each.

These changes to Section 2.5.2 reflect suggestions from former Select Board member and current Town Meeting Member Marty Rosenthal. CTO&S discussed many alternative approaches, including a firm requirement that the Select Board make recommendations on the five categories of warrant articles, procedures by which a supermajority of the Select Board could decide to not consider some article, and procedures by which a minority of the Select Board could vote to ensure that the Select Board considered a given warrant article and make a recommendation on it. After much discussion, CTO&S concluded that the approach embodied by the proposed amendments to Section 2.5.2 was the best and most balanced response to the significant increase in the number of warrant articles. It is ultimately up to Town Meeting to decide what the Select Board should be required to report to Town Meeting to enable Town Meeting to effectively make informed decisions on warrant articles.

Amendment Clarifying Article 3.22 of the General Bylaws

Article 3.22 of the General Bylaws requires all elected and appointed committees, boards, councils, and trustees to hold a public hearing before their “first or only vote” on a warrant article. Many of these bodies rarely make recommendations to Town Meeting. Most are not required to make recommendations. Should a committee that is not required to make a recommendation to Town Meeting be required to hold a public hearing prior to voting to not consider a warrant article that it is not required to consider? The proposed change would make clear that the requirement for a public hearing applies only when a such a committee decides to make a report or recommendation to Town Meeting. The Select Board and Advisory Committee are also governed by Sections 2.2.6 and 2.5.2 of the General Bylaws, which include further,

more detailed requirements for holding hearings and making reports and recommendations to Town Meeting on warrant articles.

Note that the proposed CTO&S amendment to Section 2.5.2 requires the Select Board and the Advisory Committee (or a subcommittee of the Advisory Committee) to hold a public hearing on *all* articles in the warrant, even if no vote is taken. Article 3.22 ensures that when the Select Board or Advisory Committee makes a recommendation to Town Meeting, such hearings will be held before the recommendation is made.

Amendment to Section 2.1.3 of the General Bylaws

This amendment to Section 2.1.3 would increase the time period between the closing of the warrant and the first night of Town Meeting from 75 days to 90 days. This would allow the Select Board and Advisory Committee more time to schedule hearings and meetings on warrant articles. The profusion of warrant articles that have recently been filed has increased the workload of the Select Board and the Advisory Committee, but the time period between the closing of the warrant and the beginning of Town Meeting has remained the same. CTO&S believes that, if those volunteer bodies are to be expected to do a thoughtful and credible job analyzing the language and impact of warrant articles (including, for the Advisory Committee, public hearings, subcommittee meetings, meetings of the full Advisory Committee, and the drafting of thorough reports), additional time is required. That view was shared by members of the Select Board and Advisory Committee who participated in the CTO&S's public hearings and meetings. The Advisory Committee, in particular, finds it challenging to schedule subcommittee public hearings and meetings of the full Advisory Committee to adequately review all warrant articles and departmental budgets in the weeks prior to the Annual Town Meeting. Even without the need to consider the budget, similar challenges emerge when there are many articles on the warrant for a November Town Meeting. The current bylaw providing a 75-day time period between the closing of the warrant and the opening session of Town Meeting was enacted when the warrant included many fewer articles.

Extending the time for the consideration of warrant articles and drafting of reports to 90 days would not prevent the Select Board from adding one or more articles to the warrant after the warrant had closed. The General Bylaws would continue to include the following provision: "The requirements of sections 2.1.2 through 2.1.4, inclusive, may be waived when the Select Board determines that emergency conditions, or a situation requiring immediate action or the provisions of any general or special law require such a waiver."

Would increasing the time period between the closing of the warrant and the first night of Town Meeting mean that Brookline was perpetually in "Town Meeting season"? Adding the 15 days to the current interval between the closing of the warrant and the start of Town Meeting would not significantly increase the amount of time devoted to Town Meeting-related issues. Brookline already has two Town Meeting "seasons" of approximately 120 days: 30 days in which the warrant is open, 75 days between the closing of the warrant and the first night of Town Meeting, and approximately 15 days from the first to the final night of Town Meeting—depending on the number of nights required and the need to take a break for holidays such as Thanksgiving. Thus, with Town Meetings in May and November, Brookline is now preparing for or holding Town

Meeting for about 240 days of each year. The amendment to Section 2.1.3 would increase that total to about 270 days.

ADDITIONAL POTENTIAL METHODS TO DEAL WITH THE PROBLEM OF “TOO MANY ARTICLES, TOO LITTLE TIME”

In addition to the warrant article submitted by CTO&S, there are a variety of potential options that might be considered to deal with the problem of “too many warrant articles, too little time” that has been identified as a concern by members of the Select Board, Advisory Committee, and Town Meeting. The following list includes items that have been mentioned at CTO&S meetings and other discussions of how to address the problem of “article profusion.” Although CTO&S has not evaluated these ideas, some may merit further study. Most could be implemented without amending the Town bylaws.

Reducing the Number of Warrant Articles

- Add more language to the Town Meeting Handbook to explain that a warrant article often is not necessary, because issues can often be resolved by discussions with Town or School personnel. Build the norm that the goal is not to have as many articles as possible. Discourage resolutions on national and international topics.
- Encourage the Select Board to place articles on the warrant only when necessary and when they already have been thoroughly vetted through an internal process and with community engagement. Past articles generated by Town departments have at times been referred or not moved because they were premature and should have been vetted and revised prior to submission.
- Require more signatures for warrant articles. Under State Law, G.L. c. 39, sec. 10, no more than 10 signatures may be required for an Annual Town Meeting warrant article and no more than 200 signatures for a Special Town Meeting warrant article. It is questionable whether there would be a realistic chance of increasing the Annual Town Meeting requirement by special State legislation. Brookline has in fact reduced the number to 10 for all Town Meetings; it could without State legislation increase the number of required signatures to as many as 200 for Special Town Meetings. But would an increased number of signatures be an effective hurdle? Or could it lead to petitioners simply filing articles for the Annual Town Meeting rather than a Special Town Meeting?
- Encourage the Select Board and Advisory Committee to develop the mindset that it is better to tell petitioners that they should not move their articles instead of expending time working with petitioners to revise and improve deeply flawed articles. Would this reduce the number of warrant articles that are ultimately debated at Town Meeting, or would it lead to Town Meeting passing flawed articles if the petitioner nonetheless forged ahead?
- Assign a staff person the responsibility of fielding queries from petitioners as to whether their potential warrant articles are necessary. That staff person might be better able to find out what departments are already doing. Petitioners are already encouraged to check

with staff in departments that would be affected by warrant articles, but that has not consistently occurred.

Finding More Time to Review Warrant Articles

- Allow the Select Board to delegate more of its responsibilities, including licensing and appointments. This would require approval of revisions to the Town Administrator Act by the State legislature. For example, the Select Board is now required to approve all innholder, lodging house, common victualer, food vendor, secondhand motor vehicle sales, open air parking, liquor sales, theater and entertainment licenses. Legislation was filed to change his requirement, but it died in the last legislative session; the legislation is apparently being refiled. In addition, the Select Board is required to make all Civil Service appointments (police and fire at all levels, not just the chiefs or management level personnel).
- Allow the Select Board to delegate authority regarding items such as minor budget changes (e.g., minor reallocations within departments) or minor contract approvals. The Town Administrator has committed to addressing some of these issues.
- Reduce the number of committees on which Select Board members serve. While it is important for Select Board members to be familiar with the actions of certain committees, an initial examination indicates that Select Board membership is in fact legally required on very few of the committees on which Select Board members sit.
- Amend Section 2.5.2 and Article 3.22 of the General Bylaws to allow Select Board subcommittees to hold public hearings on warrant articles—if the Brookline Interactive Group will televise these hearings. The current bylaws only allow subcommittees of the Advisory Committee and School Committee to hold such hearings in lieu of the full committee.
- Accept the fact that Select Board reports may be short and cursory, especially when the reports are not on the categories of warrant articles listed in the proposed CTO&S amendment to Section 2.5.2 of the General Bylaws.
- Encourage the Select Board and the Advisory Committee to write joint reports (including reports written by the Advisory Committee and signed by the Select Board) when the two bodies concur. This would be particularly appropriate for the initial 6 or 7 articles on the Annual Town Meeting warrant, but there might be other opportunities for joint reports. This also would reduce redundancy in the Combined Reports, which often include Select Board and Advisory Committee reports that contain very similar material.
- Improve the process of bringing the Select Board and Advisory Committee into concurrence (when that outcome is possible) so that it takes fewer meetings for the two bodies to agree on a motion and that Town Meeting has fewer motions and amendments to consider.

APPENDIX A

From: Jonathan Simpson <jsimpson@brooklinema.gov>

Sent: Friday, February 24, 2023 1:20 PM

To: Richard Benka <rcvben@verizon.net>

Cc: Joe Callanan <jcallanan@brooklinema.gov>; John Moreschi <jmoreschi@brooklinema.gov>; Harry Bohrs <Harry.Bohrs@bmc.org>; Lynn-Jones, Sean M. <sean_lynn-jones@hks.harvard.edu>

Subject: FW: Legal question for CTO&S - must everyone be allowed to speak at a public hearing? If so, what is the source of the requirement?

Dick:

A chair can impose reasonable restrictions to the time, place, and manner of public testimony as long as the restrictions are content-neutral, narrowly tailored to serve a significant government interest, and leave open ample alternative channels of communication. The desire to conduct an orderly, efficient, and productive meeting is a governmental interest significant enough to justify restrictions on speech at the "limited public forums" that are public hearings.

Your specific questions were:

if something is noticed as a "public hearing," can the chair limit the number of speakers, which could effectively prohibit some individuals from speaking

I believe the answer is **yes**, if that limit was content-neutral and narrowly tailored. Allowing public comment doesn't mean a board has to sit and allow public comment indefinitely. A board can apply reasonable, narrowly-tailored limits to both the total time allotted for public comment and the time allotted to each speaker.

could the chair prohibit individuals who wanted to speak from speaking at a duly noticed "public hearing"

Again, I believe that, if the limitations the chair was imposing were content-neutral and narrowly-tailored, they could, theoretically, result in prohibiting individuals who wanted to speak at a public hearing from speaking. If the chair has allotted an hour to take public comment, and given each speaker 3 minutes, then the 21st speaker may not get to weigh in. Note, though, that this is NOT a situation where the chair looks at a particular speaker, says "Mr. Smith, we've heard from 10 people on your side and I don't think you'll be adding anything new to the discussion so I'm going to skip you". That's not content-neutral. Again, any prohibition should be the result of a content-neutral, narrowly-tailored restriction – nothing individualized.

Of course, just because a Chair *can* limit testimony does not necessarily mean they *should*. I know from personal experience the value of letting everyone who wants to comment at a

8.A.

public hearing do so; it's been the Town's general practice for a reason. But, as noted above, boards need to be able to conduct orderly, efficient, and productive meetings.

Alec Alec.Lebovitz@gmail.com

23 MAR 3 4:10:09

Proposed Warrant Article to develop an audit rotation policy

Submitted by: Alec Lebovitz (TMM-8) and Mike Toffel (TMM-8)

To see if the Town will amend Article 4.1 "Accounts and Audits" of the Town's General By-laws as follows (language to be added appearing in underline):

ARTICLE 4.1

ACCOUNTS AND AUDITS

SECTION 4.1.1 ACCOUNTING SYSTEM

All accounts of the Town shall be kept in accordance with a uniform accounting system approved by the Massachusetts Department of Revenue.

SECTION 4.1.2 AUDIT

The accounts of the Town shall be audited by an independent auditor retained by the Town at such times and in such manner as determined by the Select Board, with the advice of the audit committee, subject to the following restrictions: (a) no individual can serve as lead audit partner for the Town's audit for more than five consecutive years; (b) the Town's contract with an independent auditor cannot specify a term longer than five years; and (c) the Town must seek competitive bids at least every ten years.

SECTION 4.1.3 AUDIT REPORTS

All reports by the independent auditor shall be available for inspection by the public during regular business hours at the Town's offices. The audit report shall also be made available at the Main Library.

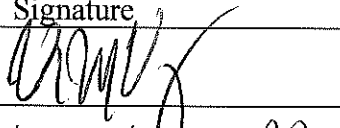
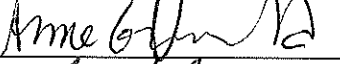
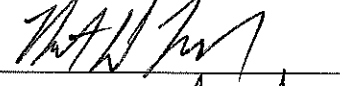
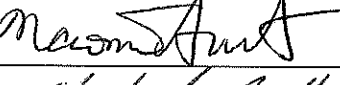
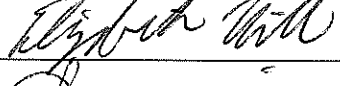
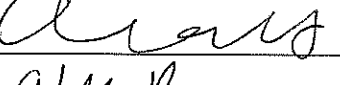

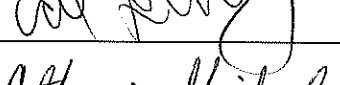
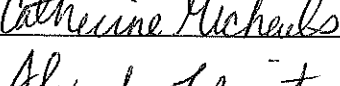
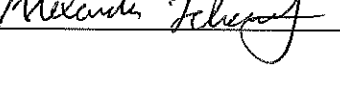
or act on anything relative thereto.

Warrant Article signature page

20 MAR 3 AM 10:09

The following registered Brookline voters support the attached article creating an audio rotation policy.

Please write neatly as the Town Clerk will need to validate that you are a registered voter.

	Signature	Printed name	Address
1		Kevin MacKenzie	19 Strathmore Rd #3
2		Anne Greenwald	6 Gibbs St. # 2
3		Robert Lepson	36 Thorndike St
4		Naomi Sweitzer	14 Griggs Terr
5		Elizabeth Neill	129 Saint Paul St.
6		Andrew Shad	14 Griggs Ter
7		ARDEN REAMER	72 STEDMAN ST.
8		Carl Lebovitz	3 Bradford Terrace
9		Catherine Michaels	3 Bradford Ter Apt 4
10		Alexander Lebovitz	3 Bradford Terrace, Apt. 4

75 APR 3 AM 10:00

Warrant Article signature page

The following registered Brookline voters support the attached article creating an audit rotation policy.

Please write neatly as the Town Clerk will need to validate that you are a registered voter.

	Signature	Printed name	Address
1	Francine B. Perler	Francine B. Perler	74A Fuller ST.
2	Paul Warren	Paul Warren	71 Carlton St.
3	Amy P. Evenson	Amy P. Evenson	71 Carlton St
4	Chr Chr Wn	Chr Chr Wn	14 Marion Ter
5	Sean Ledney	Sean Ledney	48 Marshall St VA
6	Kara VanGuilder	Kara VanGuilder	73 Longwood Ave.
7			
8			
9			
10			

Apt 312

Background for Warrant Article

Renters across the country and the Commonwealth have faced tremendous challenges in recent years, such as shortages of affordable, decent housing and spiking rent increases. Even before the COVID-19 pandemic, tens of millions of renters struggled with high housing costs, paying over 30 percent of their income for rent, which is considered "cost burdened." The COVID-19 crisis only exacerbated this housing affordability crisis, with soaring rent hikes and millions of households behind in rent - a peak of 15 million people or 1 in 5 adult renters in arrears in January 2021.

Here in the Greater Boston region, we have some of the highest rents in the nation - the second highest, behind New York City, with no signs of prices slowing down. About 45% of residents, and over half of Black and Latino residents, in Greater Boston are cost burdened.

As an integral part of the Greater Boston region, Brookline faces these challenges as much as our neighbors. Over 50% of our households are renters. And while our median household income is over \$120,000 per year, about 10 percent of our population is in poverty. Moreover, 45% of our renter households are cost burdened. When rents become unaffordable to our residents, the result can be displacement, which jeopardizes individual households and disrupts stable communities

A number of communities in Greater Boston region have responded to the affordability crisis facing renters by establishing an Office of Housing Stability or similar municipal department. The City of Boston created its office in 2016, which provides assistance to tenants in housing crisis due to fire, natural disaster, eviction, or condemnation. Boston is not alone in having an Office of Housing Stability, as several municipalities that are comparable or only slightly larger than Brookline have also created similar offices:

- The City of Somerville (population 79,815; budget \$307.7 million) created an office in 2018 which is staffed by nine people.
- The City of Malden (population 65,932; budget \$188 million) created an office just this past year.
- The City of Revere (population 53,864; budget \$241 million) opened its office in 2020.

Brookline should have an Office of Housing Stability similar to our peer communities of Malden, Somerville and Revere. This article establishes such an office in the Town By-Laws.

ARTICLE

Submitted by: Chi Chi Wu, Town Meeting Member Pct. 7; John Card

To see if the Town will adopt the following as a new Article 3.12A of the Town By-Laws:

Article 3.12A

73 MAR 7 PM 11:11

Chi Chi Wu
617-359-2916
@ email.com

Office of Housing Stability

There shall be established an Office of Housing Stability within the Department of Public Health, or within another Town Department at the discretion of the Town Administrator. The purpose of the Office shall be to assist residents at risk of displacement, prevent homelessness, and to develop initiatives to combat displacement. The office shall serve as a resource and clearinghouse of information for residents who need housing-related assistance and a forum for identifying best practices for combating displacement. Potential services offered by the office may include:

- Advice and information on housing issues for Brookline residents
- Referrals to community agencies to prevent displacement (legal, mental health, social services, advocacy)
- Accessing financial assistance
- Advocacy with landlords ~~and~~ for housing agencies to resolve housing disputes
- Case management to stabilize tenants
- Housing search (affordable, private, public, inclusionary)
- Individual outreach to landlords and on-line resources regarding tenant rights and housing search

Warrant Article signature page

SIGNATURES (Ten registered voters required)

The following registered Brookline voters support the attached submitted article.

SIGNATURE	PRINT NAME	ADDRESS
1. Beth Klein	Beth Klein	45 Marion St. #610
2. [Signature]	Johnna Kovitz	45 Marion St #214
3. [Signature]	Jenny Chu	11 Marion Terrace
4. [Signature]	Cocette King	8 Marion Terrace

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1. The first part of the document discusses the importance of maintaining accurate records of all transactions and activities. It emphasizes the need for transparency and accountability in financial reporting.

2. The second part of the document outlines the various methods used to collect and analyze data. It includes a detailed description of the sampling process and the statistical techniques employed to interpret the results.

3. The third part of the document presents the findings of the study. It shows that there is a significant correlation between the variables being studied, which supports the hypothesis that was tested.

4. The final part of the document discusses the implications of the findings and suggests areas for further research. It concludes by stating that the results of this study have important implications for the field of research.

YOUNG & RUBIN

10/1/87



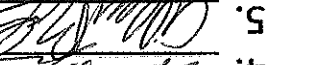


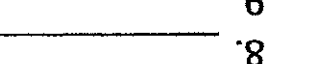
WILSON REYNOLDS

10/1/87

10/1/87

SIGNATURES (Ten registered voters required)

The following registered Brookline voters support the attached submitted article.

SIGNATURE	PRINT NAME	ADDRESS
	John Card	283 Saint Paul St. (Apt. 31)
	Peter Laboute	283 Saint Paul St. (Apt. 31)
	Jenna Stanley	283 Saint Paul St. (Apt. 31)
	Hans Kjolhede	283 Saint Paul St. (Apt. 33)
	Allen B Davis	283 Saint Paul St. (Apt. 20)
	Kathleen Hyman	283 Saint Paul St. (Apt. 27)

8.A.

8.A.

11/17/2004

EXPLANATION

This Inclusionary Zoning Bylaw Amendment would reduce from 19 to 10 the maximum number of units in a proposed project whereby a developer can choose to make a prescribed lump sum payment to the Town's Affordable Housing Trust in lieu of contributing 15% onsite affordable housing units.

Brookline's Affordable Housing Trust over recent years has made possible otherwise financially infeasible affordable housing projects. Sponsors of these projects—including the Brookline Housing Authority and private non-profit affordable housing developers—have brought with them to Brookline substantial state and federal subsidies to bring these affordable housing developments to fruition.

This 'leveraging' of the Trust Fund's limited resources from Inclusionary Zoning has resulted in the creation of many more affordable units in Brookline than would have been produced by requiring onsite affordable units.

Brookline's recent adoption of the Community Preservation Act (CPA) will soon be generating a substantial and continuing new source of affordable housing funds. Leveraged funding from smaller projects subject to Inclusionary Zoning will continue to meet a critical need. However, the advent of CPA funds will help to diversify the Trust Fund's sources of revenue, while also furthering geographic diversification in newly created affordable housing units.


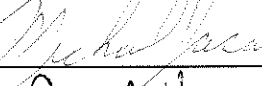
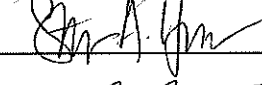
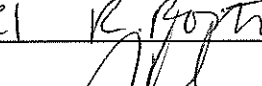
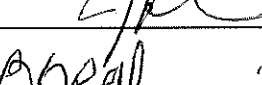
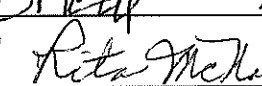
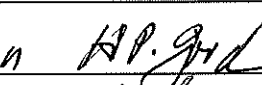
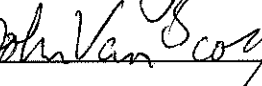
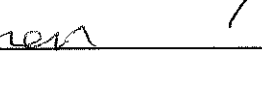
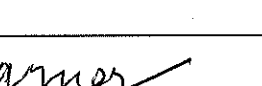
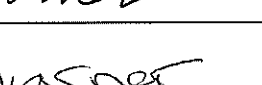
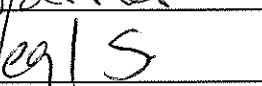
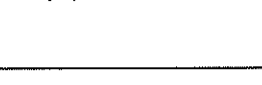
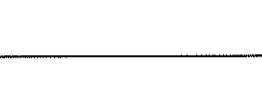
Contact:

Roger Blood, Chair
Housing Advisory Board
bloods@rcn.com
617-512-2004

PETITION TO SUBMIT A WARRANT ARTICLE FOR THE 2023 ANNUAL TOWN MEETING

To see if the Town will amend Section 4.08, Paragraph 5, Subsection (d) of the Brookline Zoning Bylaw (Inclusionary Zoning) as follows:

d. For projects that include four to ~~19~~ 10 dwelling units, in accordance with paragraph 3 above, the applicant may choose to make a cash payment to the Housing Trust as provided in the Affordable Housing Guidelines.

	PRINT NAME	SIGNATURE	ADDRESS	PRECINCT
1.	ROGER BLOOD		69 Cleveland Road	13
2.	MICHAEL JACOBS		41 COLWIDGE ST	9
3.	STEVE HEKIN		57 HARRIS ST.	7
4.	Rhonda Postrel		57 Harris St.	7
5.	Jonathan Klein		150 St. Paul St #406	17
6.	Shawn O'Neal		2216 High St	7
7.	RITA McNALLY		230 St. Paul St	17
8.	H. Pam Goodman		28 Rawson Rd	12
9.	John Van Scoyoc		307 Reservoir Rd.	13
10.	John W. Greenen		530 Clinton Road	13
11.	MARIANNE CEE		50 Cleveland Rd	13
12.	Donald A. Warner		45 Willow Cres.	13
13.	Cheryl K Warner		45 Willow Cres.	13
14.	Donelle S. O'Neil		60 Village Way	4

Or act on anything relative thereto.

Thomas Barrasso, A. Director of Sustainability
tbarrasso@brooklinema.gov
617-730-2130

7/25/2018 3:43:04

ARTICLE X

x ARTICLE

Submitted by: Department of Planning and Community Development

To see if the Town will:

1) Vote to amend Article 5.9 to document votes previously taken by Town Meeting regarding adoption of the Specialized Energy Code and Stretch Code as well as to clarify incorporate state regulation references, as follows:

- a) Change the title of Article 5.9 from "Stretch Energy Code" to "Energy Codes"
- b) Amend 5.9 as follows, **with additions underlined and deletions in strikeout**:

"Section 5.9.1 Stretch Energy Code and Municipal Opt-in Specialized Energy Code

- a) Purpose: The purpose of this by-law and related state regulations 780 CMR 120-AA-225 CMR 22 and 23 is to provide a more energy efficient alternative to the base energy code applicable to the relevant sections of the building code for both new construction and existing buildings.
- b) Authority: Through Town Meeting action, the Town of Brookline has adopted the Stretch Energy Code and Specialized Energy Code, and both are incorporated by reference into the Town of Brookline General By-Laws Article 5.9. These codes are enforceable by the Building Commissioner or their designated Building Inspector(s).

c) Definitions:

Specialized Energy Code – Codified by the entirety of 225 CMR 22 and 23 including Appendices RC and CC, the Specialized Energy Code adds residential and commercial appendices to the Massachusetts Stretch Energy Code, based on amendments to the respective net-zero appendices of the International Energy Conservation Code (IECC) to incorporate the energy efficiency of the Stretch energy code and further reduce the climate impacts of buildings built to this code, with the goal of achieving net-zero greenhouse gas emissions from the buildings sector no later than 2050.

Stretch Energy Code - Codified by the combination of 225 CMR 22 and 231, not including Appendices RC and CC, the Stretch Energy Code is a comprehensive set of amendments to the International Energy Conservation Code (IECC) seeking to achieve all lifecycle cost-effective energy efficiency in accordance with the Green Communities Act of 2008, as well as to reduce the climate impacts of buildings built to this code.

Section 5.9.2 Definitions

- a) ~~International Energy Conservation Code (IECC) 2009 – The International Energy Conservation Code (IECC) is a building code created by the International Code Council. It is a model code adopted by many state and municipal governments in the United States for the establishment of minimum design and construction requirements for energy efficiency. Commencing July 1, 2010, the baseline energy conservation requirements of the MA State Building Code will default to IECC 2009 and MA amendments.~~
- b) ~~Stretch Energy Code – Codified by the Board of Building Regulations and Standards as 780 CMR Appendix 120-AA, the Stretch Energy Code is the International Energy Conservation Code (IECC) 2009 as may be amended from time to time.~~

Section 5.9.3 Applicability

~~This code applies to residential and commercial buildings. Buildings not included in this scope shall comply with 780 CMR 13, 34, 61, or 93, as applicable.~~

Section 5.9.4 Authority

~~The Town of Brookline hereby adopts 780 CMR 120 AA in order to ensure that construction within its boundaries is designed and built above the energy efficiency requirements of 780 CMR Appendix 120 AA and mandates adherence to said Appendix as may be amended from time to time.~~

Section 5.9.5 Stretch Code

~~The Stretch Code, as codified by the Board of Building Regulations and Standards as 780 CMR Appendix 120 AA, including any amendments or modifications, is herein incorporated by reference into the Town of Brookline General Bylaws, Article 5.9. The Stretch Code is enforceable by the Building Commissioner or their designated Building Inspector(s)."~~

2) Vote to amend Article 5.9 of the Town of Brookline General By-Laws by **adding** the following language for the purpose of restricting and prohibiting new building construction and major renovation projects that are not Fossil-Fuel Free, pursuant to the entirety of 225 CMR 24 Fossil Free Building Construction and Renovation Demonstration Project, which latest version is on file with the Town Clerk. This amendment shall only take effect if approved by the Massachusetts Department of Energy Resources (MA DOER) as a Participating Community pursuant to 225 CMR 24.

"Section 5.9.2 Fossil Fuel-Free Demonstration

- a) Purpose: The purpose of this by-law and related state regulations 225 CMR 24, also referred to as the Fossil Fuel-Free Demonstration, is to restrict and prohibit new building construction and major renovation projects that are not fossil fuel-free.
- b) Authority: Through this Town Meeting action, the Town of Brookline will adopt the Fossil Fuel Free-Demonstration. Upon approval by the Department of Energy Resources (DOER) of the necessary changes to the Specialized Energy Code, amendments to the Specialized Energy Code are adopted as listed in Section 5.9.2 (f) below. These changes are enforceable by the Building Commissioner or their designated Building Inspector(s) and will go into effect for any project seeking a permit after the effective date.
- c) Applicability: This restriction applies to residential and commercial buildings that qualify as new construction or major renovation, as defined in 225 CMR 22 and 23. This restriction shall not apply to research laboratories for scientific or medical research, hospitals and medical offices regulated by the department of public health as a health care facility as defined in 225 CMR 24.
- d) Definition of Fossil Fuel-Free Demonstration: Codified by the entirety of 225 CMR 24, the Fossil Fuel-Free Demonstration.
- e) The effective date of this Section 5.9.2 is the latest of the following: (1) sixty days following approval by DOER of the necessary changes to the Specialized Energy Code and the Town's status as a Participating Community; (2) the effective date established by M.G.L. c. 40, s. 32; and (3) January 1, 2024.
- f) Amendments to the Specialized Energy Code as part of the Fossil Fuel-Free Demonstration are as follows:

8.A.

- 1) Low-rise Residential Code (225 CMR 22 Appendix RC):
Sections RC102 and RC101 “Zero Energy Pathway” and “Mixed Fuel Pathway” shall not be permitted for use for new construction or major renovations.
- 2) Commercial and All Other (225 CMR 23 Appendix CC)
Sections CC103 and CC105 “Zero Energy Pathway” and “Mixed-Fuel Pathway” shall not be permitted for new construction or major renovations, with the following exceptions:
 - (i) Research laboratories for scientific or medical research,
 - (ii) Hospitals regulated by the department of public health as a health care facility,
 - (iii) Medical offices regulated by the department of public health as a health care facility, and
 - (iv) Multi-family buildings over 12,000 square feet with permit application filed prior to January 1, 2027 may utilize gas or propane for domestic water heating as the only combustion equipment.”

Or act on anything relative thereto.

PETITIONER'S ARTICLE DESCRIPTIONBackground

Brookline and nine other municipalities are prioritized to participate in the MA DOER Pilot. We are working with Town Counsel's office and the Building Department to draft a Warrant Article for the upcoming Annual Town Meeting, and will have that for your review by Monday or Tuesday morning. That Warrant Article will be submitted by the Department of Planning & Community Development (DPCD). We would be asking Town Meeting to adopt a General By-Law amendment as part of the Pilot. Missing that window would negate the participation of Brookline in the Pilot as a prioritized community. We are asking the Select Board support of this Warrant Article.

This Pilot is a direct result of the Home Rule Petition from Brookline to the State for the ban on Fossil Fuel infrastructure in new construction. Several of the other nine municipalities selected for the Pilot based their own Home Rule Petitions on that Brookline model. The Pilot would allow Brookline to test eliminating petroleum combustion fuels (naturally occurring or synthetic) from HVAC, water heating, and backup generators within buildings newly constructed or undergoing significant renovation. The purpose of this Pilot is to establish a framework, requirements, data collection, and a mechanism for executing such a by-law for new construction and major renovations.

The key issues for this Warrant Article are as follows:

1. This is part of a Pilot for the State. An experiment. The duration of the Pilot will be short, essentially from July 2024 until September 2025.
2. The DOER regulations governing this Pilot are still in draft form and will not be finalized until later this Spring, hopefully before the Annual Town Meeting begins. We may need to return to Town Meeting this Fall to make some modifications.
3. The By-Law Amendment will also clean up the existing By-Law we have regarding Stretch Code, since some of the referenced regulations have changed numbering, and we also want to reference the Town's recent adoption of the Specialized Code.
4. The State has provided the draft regulations as well as a template for the Warrant Article and By-Law. It is the position of DPCD, Town Counsel's Office, and the Building Department that Brookline not make heavy modifications to these templates to ensure that Brookline remains in the Pilot program. However, we have removed the exemption for the use of Bio-Mass as a fuel source as suggested by the DOER's template by-law. Per the template¹, exemptions would be in place for:
 - a. research laboratories for scientific or medical research
 - b. hospitals regulated by the department of public health as a health care facility
 - c. medical offices regulated by the department of public health as a health care facility, and
 - d. domestic water heating for multi-family buildings over 12,000 square feet (until January 1, 2027).

Key Activities for MA DOER:

- A Pilot Municipality must provide a Letter of Intent by September 1, 2023
- All materials for the application, including a voted By-Law, must be in place by November 10, 2023 according to the draft regulations.

¹ <https://www.mass.gov/info-details/municipal-fossil-fuel-free-building-demonstration-program>

8.A.

Brookline has a long history of being on the forefront of climate action and in this case a leader in the pursuit of the adoption of building codes that will have a significant impact on our community's carbon footprint. The precursors to this Article include Warrant Article 21 of the 2019 Special Town Meeting, which the Town first voted to adopt and then voted to send to the Commonwealth as a Home Rule Petition. To date, our by-law amendments on this issue have been struck down by the State through the office of the Attorney General. However, the pursuit of this needed action has invited debate and discussion resulting in visibility to the argument that the current building codes, even though they do somewhat consider carbon reduction and energy efficiency, are not sufficient to get us to our climate action goal of Net Zero by 2040.

Thanks to the efforts of the Town's climate action groups, Representative Tommy Vitolo, and other climate leading cities and towns, the State, through MA Department of Energy Resources (DOER), has created regulatory authority under St. 2022, c. 179, § 84 to permit ten Prioritized Communities to participate in a Pilot. Brookline, being a community that filed a Home Rule Petition on this issue, is one of those ten communities. The others are: Arlington, Lexington, Acton, Concord, Cambridge, Lincoln, Newton, West Tisbury, and Aquinnah. More information on this program is available at <https://www.mass.gov/info-details/municipal-fossil-fuel-free-building-demonstration-program>.

Purpose and Effect

What is before you are a prescribed set of parameters that MA DOER has drafted for adoption by each of the Prioritized Communities to allow for participation in the Pilot. This Pilot will allow Brookline and the other communities to test the parameters in real-time through the permitting of building projects. This will result in data from multiple municipalities over a wide spectrum of size, demographics, and landscapes that will inform the future building codes of the Commonwealth. According to DOER staff, currently the Pilot duration will be from local adoption through to 2025.

The Town Administrator and Building Commissioner support the passage of this warrant article with an effective date as presented. The Town fully understands the uncertainty accompanying the rollout out of this experiment: the state agencies are creating this as we are voting to adopt it. Education and clarification will be needed as this Demonstration Project is executed. This project builds on some of the changes that Brookline has already adopted, primarily the Stretch Energy Code and Specialized Energy Code. The staff time to track the permitting data required under the Demonstration Program will be better understood as communities move forward in partnership with DOER over the next several months. Although the Building Commissioner does not currently anticipate the need for additional staff to support this Demonstration Program such an expansion may need to be discussed further during budget processes.

Timing of this Warrant Article and DOER regulations related to Fossil Fuel-Free Demonstration

As described below and confirmed by DOER staff, the current draft DOER regulations require Brookline to adopt a bylaw prior to November 10, 2023 in order to remain a Prioritized Community and a participant in DOER's Fossil Fuel-Free Demonstration Project. DOER staff anticipate adopting final regulations by April or May 2023, prior to the Annual Town Meeting vote.

Draft MA DOER 225 CMR 24.00 (as of February 27, 2023)

225 CMR 24.00 – Municipal Fossil Fuel Free Building Construction and Renovation Demonstration Project

Sections:

24.01 : Purpose and Application 24.02:

Definitions

24.03 : Prioritized Communities

24.04 : Application Materials and Review Process 24.05:

Eligibility Criteria

24.06 : Substitute Communities

24.07 : Reporting and Assessment of Results

24.08 : Specialized Municipal Opt-in Energy Code and Model Rule 24.09:

Severability

24.01 Purpose and Application

The purpose of 225 CMR 24.00 is to establish the framework, requirements, and timeline for cities and towns to participate in the Department's Municipal Fossil Fuel Free Building Construction and Renovation Demonstration Project as authorized by St. 2022, c. 179, § 84.

24.02 Definitions

Comparable Municipalities. Municipalities designated by the Department for data collection and reporting purposes that share similar relevant characteristics to Participating Communities.

Demonstration Project. Not more than 10 cities or towns as approved by the Department pursuant to 225 CMR 24.00 that may, notwithstanding chapter 40A of the General Laws, section 13 of chapter 142 of the General Laws and chapter 164 of the General Laws or any other general or special law to the contrary, adopt and amend general or zoning ordinances or by-laws that require new building construction or Major Renovation projects to be fossil fuel-free, and enforce restrictions and prohibitions on new building construction and Major Renovation projects that are not fossil fuel-free, including through the withholding or conditioning of building permits

DHCD. The Massachusetts Department of Housing and Community Development, as established by M.G.L. c. 23B.

Department. The Massachusetts Department of Energy Resources, as established by M.G.L. c. 25A.

Fossil Fuel-free. As defined by a city or town to include, but not be limited to, an entire building or entire condominium unit that does not, in support of its operation after construction, utilize coal, oil, natural gas, other fuel hydrocarbons, including synthetic equivalents, or other fossil fuels.

Hospitals or Medical Offices. A facility licensed or approved by the Department of Public Health to provide health care, including clinics licensed as health care facilities and facilities that provide substance use disorder treatment services, including outpatient withdrawal management, opioid treatment programs, office-based opioid treatment programs, acute treatment services (inpatient detoxification), and clinical stabilization services.

Local Approval. By a majority vote of the: (i) city council with the approval of the mayor in the case of a city with a mayor elected to serve as the chief executive officer of the city; (ii) city council in every other city; (iii) annual town meeting or a special town meeting called for that purpose in the case of a municipality with a town meeting form of government; or (iv) town council in the case of a municipality with a town council form of government.

Major Renovation. A level 3 alteration as defined in 225 CMR 22.00 and 23.00.

Participating Community. A city or town approved by the Department for participation in the Demonstration Project.

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Prioritized Community. A city or town with a home rule petition filed with the general court prior to August 11, 2022 and listed in 225 CMR 24.03(1); provided, however, that a city or town that submits a letter of withdrawal pursuant to 225 CMR 24.03(3) or is deemed withdrawn pursuant to 225 CMR 24.03(4) shall not be a Prioritized Community.

Process load. Energy demand in commercial or industrial buildings that is not covered by the Massachusetts building energy code.

Research laboratories for scientific or medical research. A building where a laboratory procedure or research activity occurs, where the building has an average ventilation at full occupancy greater than 0.5 cfm/sf. Such buildings shall provide the ventilation design documentation described Section C103.2 of 225 CMR 23.00 at the time of building permitting.

Substitute Community. A city or town that applies to the Department for participation in the Demonstration Project that did not file a home rule petition prior to August 11, 2022.

8.A.

24.03 Prioritized Communities

<u>Prioritized Communities.</u> As established by St. 2022, c. 179, § 84, the Department will prioritize the following 10 Prioritized Communities, being the first 10 communities to have filed home rule petitions with the general court in the following order: Order Filed	Town	Filing Date
1	Arlington	4/22/2021
2	Lexington	5/05/2021
3	Brookline	6/01/2021
4	Acton	8/27/2021
5	Concord	9/01/2021
6	Cambridge	4/06/2022
7	Lincoln	4/19/2022
8	Newton	4/20/2022
9	West Tisbury (No longer participating, a new town will be selected by the State.)	6/14/2022
10	Aquinnah	6/14/2022

- (1) Letter of Intent. In order to inform the Department and potential Substitute Communities about participation in the Demonstration Program, Prioritized Communities must confirm their participation by submitting a letter of intent to the Department not later than September 1, 2023.

(a) This letter must be:

1. signed by an authorized representative of the city or town, and
2. affirm the city or town's intention to participate in the Demonstration Project.

(b) Prioritized Communities that submit a letter of intent will maintain their Prioritized Community status until February 11, 2024. The Department will publicly post letters of intent to its website.

- (2) Letter of Withdrawal. Any Prioritized Community that will not apply to participate in the Demonstration Project must submit a letter of withdrawal to the Department not later than September 1, 2023.

(a) This letter must be:

1. signed by an authorized representative of the city or town, and
2. affirm the city or town's intention not to participate in the Demonstration Project.

- (3) Default. Any Prioritized Community that does not submit either a letter of intent or letter of withdrawal by September 1, 2023 will be deemed withdrawn and shall no longer be a Prioritized Community.

24.04 Application Materials and Review Process

- (1) Application Materials. Applications must be submitted in a manner and form to be determined by the Department, and shall include all of the following information:

(a) Copy of home rule petition and date submitted.

1. Home rule petitions filed by Prioritized Communities do not need to be updated or resubmitted

8.A.

to the general court to be eligible for participation.

- (b) Copy of proposed bylaw or other ordinance for participation in the Demonstration Project. If the city or town proposes a bylaw or ordinance that is not the model bylaw or the Department's Fossil-Free Code, the application must include an explanation of differences and provide the applicant's rationale for any differences.
 - (c) An implementation plan, including:
 - 1. Timeline and effective dates of bylaw or other ordinance provisions or requirements;
 - 2. A demonstrated commitment to collaborate with the Department on data collection, reporting, and outreach/training;
 - 3. Description of the current process within each city and town for storing building permit data and certificates of occupancy;
 - 4. Description of how the local bylaw will affect the use of fossil fuels for commercial and industrial Process Load in buildings subject to the bylaw or ordinance, including but not limited to, restaurants, dry cleaners, and manufacturing uses;
 - 5. Description of exemption or waiver process from any requirements, if any, to be included in the bylaw or ordinance.
 - (d) Documentation sufficient to demonstrate that the applicant has achieved at least one of the three housing production eligibility thresholds set forth in 24.05(1)(c).
 - (e) Proof of Local Approval.
- (2) Additional Materials for Substitute Communities. In addition to the above components, an application from a Substitute Community must include a description of the actions it has taken or will take after the adoption of the proposed bylaw, to encourage the production of multi-family housing. This description should include, but is not limited to:
- (a) The community's progress toward creation of a multi-family zoning district compliant with Sec. 3A of G.L. Ch. 40A, if applicable.
 - (b) Initiatives taken by the community to support the preservation and production of housing units, including multi-family housing.
 - (c) Substitute Communities may submit letters of support from community leaders and/or community members.
- (3) Review Process. The Department will review applications from Prioritized Communities on a rolling basis and will issue approvals in the order in which cities and towns have submitted home rule petitions to the general court.
- (a) The Department will provide feedback on completeness of application materials and notify applicant if any requirements are not met, or if any clarifications are needed for approval.
 - (b) Prioritized Communities may update and re-submit applications through November 10, 2023 based on Department feedback.
 - (c) November 10, 2023 is the final deadline to submit a complete application.
 - (d) February 11, 2024 is the final deadline to meet all eligibility requirements listed in 225 CMR 24.05. After such date the application of any Prioritized Community shall expire and be deemed void.

24.05 Eligibility Requirements

- (1) Requirements. All Prioritized and Substitute Communities must meet each of the following three requirements prior to submissions of application to the Department:
- (a) Home Rule Petition filed with the general court on the subject matter of these regulations;
 - (b) Local Approval received on the subject matter of these regulations; and
 - (c) The municipality has achieved one of the following housing eligibility thresholds:
 - 1. The municipality has met the 10 per cent housing affordability threshold set under chapter 40B of the General Laws as of December 21, 2020 or in a subsequent update from DHCD; or
 - 2. The municipality has been granted safe harbor status through a valid Housing Production Plan that DHCD has certified in accordance with 760 CMR 56.03(4); or

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3. The municipality has an approved a zoning ordinance or by-law that provides for at least 1 district of reasonable size in which multi-family housing is permitted as of right; provided, that such multi-family housing shall be without age restrictions and shall be suitable for families with children, as evidenced by a determination of district compliance issued by the department of housing and community development pursuant to its guidelines implementing section 3A of chapter 40A of the General Laws.

24.06 Substitute Communities

- (1) Application Submission. Substitute Communities may submit applications starting on the effective date of these regulations.
 - (a) The Department will not review applications from Substitute Communities until:
 1. Receipt of a Letter of Withdrawal from one or more Prioritized Communities forfeiting their prioritized status, or
 2. Default by a Prioritized Community as established in 225 CMR 24.03(4).
 - (b) The Department will notify and work with applicants to update applications if missing information or for which clarifications are required.
 - (c) Substitute Communities must meet all requirements set forth in 225 CMR 24.04 and 225 CMR 24.05 prior to submitting applications to the Department.
- (2) Timeline of Review. Substitute Communities applications will be considered if less than 10 of the Prioritized Communities participate in the Demonstration Project. The Department will not issue approvals for any Substitute Communities before March 1, 2024.
- (3) Selection Criteria. In addition to ensuring that Substitute Communities meet the requirements set forth in 225 CMR 24.04 and 225 CMR 24.05, the Department will consider the following factors when evaluating applications and selecting Substitute Communities for participation up to a total of 10 Participating Communities and may consider such additional factors as the Department deems appropriate.
 - (a) Contribution to the overall Demonstration Project, including diversity of Participating Communities, such as gateway cities, environmental justice communities, diversity of demographics, diversity of size, scale of building development, and type of housing development;
 - (b) Ability to meet Department reporting requirements and effectively monitor and ensure code compliance and implementation;
 - (c) Consistency of proposed bylaw or ordinance to the model bylaw provided by the Department;
 - (d) A preference for cities and towns that meet the compliance guidelines implementing section 3A of chapter 40A of the General Laws through an approved zoning ordinance or bylaw that provides for at least 1 district of reasonable size in which multi-family housing is permitted as right, or, if not applicable, a similar commitment to multi-family housing production as determined by the Department, in consultation with the Executive Office of Housing and Economic Development;
 - (e) Localized electric grid investments needed to support the Demonstration Project as determined through consultation between the Department and electric distribution companies;
 - (f) Demonstrated support from community members and municipal leaders.
- (4) Selection. The Department will issue a determination letter upon approval of any application of a Substitute Community documenting its selection and the basis therefor. The Department will publish determination letters on its website.

24.07 Reporting and Assessment of Results

- (1) Department Reporting. Not later than September 30, 2025, and every 2 years thereafter, the Department shall compile a report to be filed with the Senate and House Committees on Ways and Means, the Joint

8.A.

Committee on Housing, and the Joint Committee on Telecommunications, Utilities and Energy. The report shall include, but not be limited to, the following components:

- (a) Description of Demonstration Project and list of participating communities;
 - (b) Description of the Department's process for selecting Comparable Municipalities as a comparison group for the Demonstration Project;
 - (c) An analysis of the net reduction in emissions:
 - 1. for each newly constructed building or Major Renovation project subject to the Demonstration Project in each municipality participating in the Demonstration Project; and
 - 2. for each comparable newly constructed building or Major Renovation project in a number of Comparable Municipalities, as selected by the Department, not participating in the Demonstration Project.
 - (d) An analysis of impacts on: housing production, if any; housing affordability, if any, including electric bills, heating bills and other operating costs; housing affordability for persons of low and moderate income, if any, including electric bills, heating bills and other operating costs;
 - (e) Recommendations for the continuation or termination of the Demonstration Project.
- (2) Reporting Requirements for Participating Communities. Annually, not later than June 30th, Participating Communities shall submit the following data, in an accessible format as established by the Department, to the appropriate electric and gas distribution companies, or other designees as determined by the Department:
- (a) For each applicant for a building permit, the applicant's name, street address, building usage type, square footage, and estimated construction cost.
 - (b) Electronic copies of any third-party energy reporting on new construction and Major Renovation projects that illustrate the expected energy use for each major end use. These include but are not limited to relevant sections of: final Home Energy Reporting System rating reports; Passive house certification reports; building energy modeling reports used to demonstrate commercial energy code compliance through ASHRAE 90.1 or Thermal Energy Demand Intensity (TEDI) building code compliance pathway.
 - (c) Timely and accurate data reporting is required to perform analysis and assessment of impacts of the Demonstration Project.
- (2) Reporting Requirements for Electric and Gas Utilities. Each year beginning in 2024, not later than September 30th, all electric and gas distribution companies serving customers in Participating Communities, or the Comparable Municipalities shall, in an accessible and standardized format approved by the Department, report the following data:
- (a) Monthly kWh and therm usage, monthly electric costs, broken down by cost category, and monthly gas costs, broken down by cost category.
 - (b) The information above shall be submitted by account, with an associated anonymized account identifier to track information over time. Each account shall be submitted with an associated rate class, and street address, and be linked to a permit number provided through 225 CMR 24.07(2).
- (5) Comparable Municipalities. The Department will identify and designate Comparable Municipalities in a manner to be determined by the Department. Comparable Municipalities shall report data as set forth in 225 CMR 24.07(2). The Department will coordinate with Comparable Municipalities on the method and process of data collection and reporting.

8.A.

(1) Recommended Process. The Department has published a model rule and other guidance in order to assist Participating Communities in achieving the objectives of the Demonstration Project. The Department recommends that cities or towns seeking to participate in the Demonstration Project:

(a) Adopt the Specialized Municipal Opt-in Energy Code, as established in 225 CMR 22.00 and 225 CMR 23.00, and

(b) Adopt through Local Approval the model rule published by the Department.

(2) Model Rule. The model rule published by the Department ensures appropriate integration with the Massachusetts Specialized Municipal Opt-in Energy Code. If a Participating Community determines that adoption of a local by-law or ordinance that differs from the model rule published by the Department is necessary, the Participating Community shall provide information as described in 225 CMR 24.04(1)(b) in its application.

(a) Deviations from the model rule provided by the Department must include exemptions from fossil fuel free requirements for Research Laboratories for Scientific or Medical Research, or for Hospitals or Medical Offices.

24.09 Severability

If any provision of 225 CMR 24.00 is declared invalid, such invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

REGULATORY AUTHORITY St.

2022, c. 179, § 84.

XXX

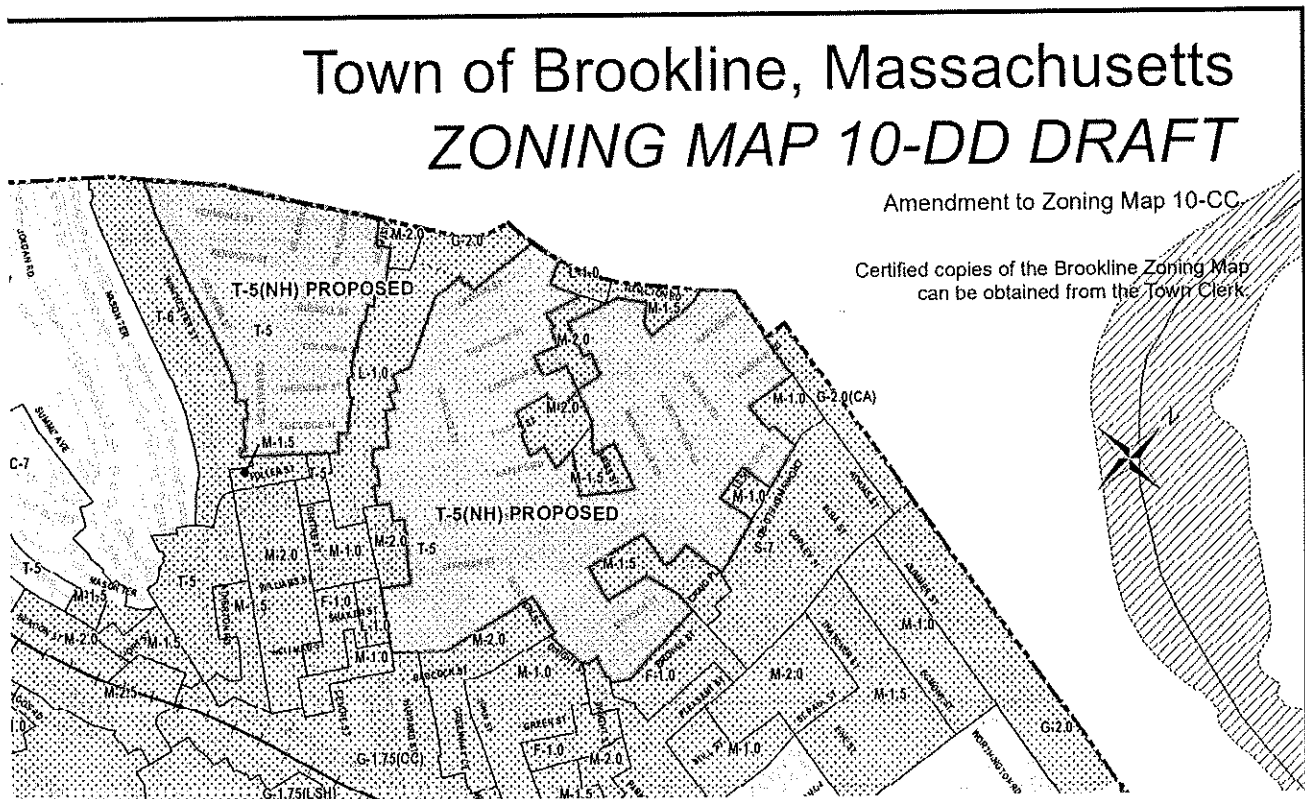
Zoning Warrant Article – Modification to T-5 District Surrounding Harvard Street north of Beacon Street

Petitioner – Department of Planning & Community Development

Article XX

To see if the Town will amend the Zoning By-Law as follows:

1. Amend the Zoning Map to change the lots below from T-5 to T-5(NH)
[Addresses and Block and Lots are listed in Exhibit A]



2. Add to Sec. 3.01 – Classification of Districts, under
 - 1 - Residence Districts
 - c - Two-Family and Attached Single-Family (T)
 - 3) T-5(NH) – Abutting Harvard Street North
3. Add to Table 5.01- Table of Dimensional Requirements:

Add T-5(NH)²¹ to T-5 row 1 column 1

Add footnote to Table 5.01:

21. Also see Section 5.93 – Massing Requirements for T-5(NH)

Table 5.01 – Table of Dimensional Requirements		LOT SIZE MINIMUM (sq. ft.)	FLOOR AREA RATIO MAXIMUM	LOT WIDTH MINIMUM (feet)	HEIGHT * MAXIMUM (feet)	MINIMUM YARD ^{2, 3, 4} (feet)			OPEN SPACE (% of gross floor area)	
DISTRICT	USE					Front ^{1, 5}	Side ²	Rear	Landsc.	Usable
T-5 T-5(NH) ²¹	1-family detached dwelling	4,000	1.0	40	35	15	7.5	30	10%	30%
	2-family dwelling	5,000	1.0	45	35	15	10	30	10%	30%
	1-family attached dwelling	2,500	1.0	20	35	15	none ²	30	10%	30%
	Any other structure or principal use	5,000	1.0	50	35	25	20	40	30%	none

4. Modify the last sentence of Section 5.43 as underscored below:

“...provided, however, that under this section the Board of Appeals shall not:

1. reduce the depth of a required front yard below 15 feet in M Districts; nor
2. increase the maximum Building Depth, as defined in Sec. 5.93, in T-5(NH) Districts.”

5. Add a new Section 5.93 to follow Section 5.92 in Article V as indicated below:

Section 5.93 – Massing Requirements for T-5(NH)

The following specifications are required for Principal Structures in the T-5(NH) Zoning District:

Massing Requirements	
Building Depth (max)	50% of Lot Depth Sec. 5.43 shall not apply.
Story Height (min max)	10 ft 12 ft
Number of Stories (max)	2.5
Roof Types	Allowed: Gable, Hip Prohibited: Flat, Mansard, Gambrel
Dormer Specifications	See below.

DEFINITIONS

The Lot Depth shall be measured as the horizontal distance from the midpoint of the Front Lot line of the Primary Street to the midpoint of the Rear Lot Line. Primary Street is defined as the street onto which the Façade of the Principal Structure is oriented. Façade means the exterior wall of a Principal Structure that is the front face of the building. Principal Structure is the structure in which the principle use is conducted.

The Building Depth shall be measured perpendicularly from the Façade as the maximum length to the furthest exterior wall of a Principal Structure.

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S:\TM Warrant Arts\Spring 2023\T-5 NH

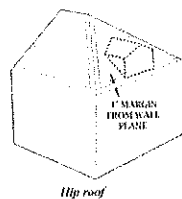
Half Story	A story having a maximum floor area of 40% of the area of the floor below
Story	The portion of a building located between the surface of a habitable floor and the surface of the habitable floor or roof next above
Ridge	The horizontal line on the roof where two planes intersect to create a peak or highest point on the roof
Wall Plane	The plane that extends from the ground to the top of the wall of a Structure
Roof, Flat	A roof with a slope that is less than 10 degrees
Roof, Gable	A roof sloped on two sides from a central ridge with an exterior wall enclosing each end
Roof, Gambrel	A compound, gabled roof with two slopes on each of its sides, where the lower has a steeper slope than the upper
Roof, Hip	A roof with four evenly sloping sides
Roof, Mansard	A roof having a double slope on all four sides, with the lower slope being much steeper
Roof, Shed	A roof with one slope

DORMER SPECIFICATIONS

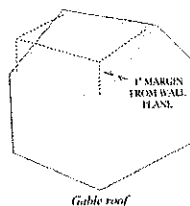
Standards

1. The face wall of a gable dormer shall not project beyond the exterior wall of the building and may not interrupt the eaves of the roof.
2. The cumulative width of a single, multiple, or attached combinations of dormers shall not exceed 50% of the eave length of the roof.
3. Dormers shall be centered and multiple dormers shall be equally spaced and centered.
4. Flat roofs are prohibited.

Dimensions

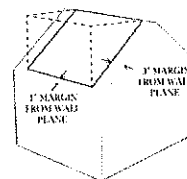


Hip roof



Gable roof

OR



8.A.

Dormer Dimensions	
Face Width (min)	3.5 feet
Separation from Ridge (min)	1 foot
Separation from Wall Plane (min)	1 foot
Separation from Wall Plane (min), if separation from Ridge is 0	3 feet
Dormer separation (max)	50% of width of the largest dormer

...or act upon anything else thereto.

WARRANT ARTICLE EXPLANATION

The Department of Planning and Community Development proposes a zoning amendment to address the Article 12 resolution, passed at Fall 2022 Town Meeting, which requested that the Planning Department study proposals to reduce the number of demolitions in Brookline. This zoning amendment would be a first step.

The amendment would create a new zoning district, called T-5 (NH), to encourage reuse of buildings and discourage demolitions. The new zoning district would have the same dimensional requirements as the T-5 district, but would prescribe massing standards for the build-out of attic spaces, third floors and additions, and would limit building depth on a lot. The proposed standards would (a) reduce the rapid pace of the demolition of existing housing stock, (b) encourage conversions of attic spaces and additions for greater living space, and (c) reinforce the strong development pattern of the T-5 architecturally coherent neighborhoods for dormers, additions and new dwellings.

Over the past year and a half, there have been five demolition applications for replacement of primary structures with much larger two families, just in the T-5 districts, off of Harvard Street, north of Beacon Street. All of the proposals were for much larger structures that had a full three stories in contrast to the surrounding homes, which were primarily two-and-half stories with sloped roofs.

Staff preliminarily assessed that these demolitions are due to three factors:

- (1) The majority of structures do not exceed a floor-area ratio (FAR) of about 0.70 in a district where the maximum FAR is 1.0,
- (2) Having no massing standards for the attic level encourages build-out of three full floors that are out of scale with the surrounding 2.5-story structures,
- (3) Waiving minimum yard setbacks under Sec. 5.43 results in sidewalls that are out-of-scale with the existing development pattern, where prevailing buildings depths are about half of the lot depths.

8.A.

To impose conditions during project review, planning boards depend on specific design standards in the zoning by-law to ensure legally enforceable decisions. The Brookline Zoning By-law lacks standards specific to Brookline's varied neighborhood patterns, which may result in projects with unpredictable design outcomes. The unfortunate byproduct of these gaps in the bylaw is that existing dwelling units, many rental, are replaced with out-of-scale structures that do not add additional housing. Moreover, these new units are designed to be luxury units that supplant the relatively lower rents and prices of existing units.

In addition to maintaining the existing maximum height of 35 feet, an FAR of 1.0 and the other dimensional requirements for the T-5 districts in Table 5.01, some new massing standards would be set forth:

- (1) A maximum number of stories at 2.5.
- (2) Half-story defined as no more than 40% floor area of the floor below.
- (3) Roof types are prescribed to reinforce the existing pattern of gable and hip roofs.
- (4) Standards for dormer sizes and placement are consistent with existing roof massing patterns and ensure that habitable space at the attic level is feasible.
- (5) Maximum building depth: no more than 50% of lot depth.

Staff's intention is to encourage conversions of attics to habitable floor space and/or additions to existing houses, while managing the overall scale of renovated structures. Where new dwellings are built the goal is to have them be consistent with the surrounding massing, which in this T-5 district is primarily sloped roofs and usable open space in the rear yards.

This By-Law is submitted in an attempt to stem the number of proposed tear downs in one area of Town, north of Beacon Street, and where there are tear downs ensure that replacement dwellings are consistent with the prominent style of the surrounding neighborhood. If successful, this approach may be used in other areas of Town and in other zoning districts to address not only the dimensions of a building, but the form of the building, so that it is contextual with the character of the neighborhood.

EXHIBIT A - Proposed Zoning District T-5(NH) Parcels					
PARCEL_ID	BLOCK	LOT	PAR_ADD_NO_1	PAR_ADD_NO_2	PAR_ADD_ST_1
027 1701	027	17	149		BABCOCK ST
027 1702	027	17	153		BABCOCK ST
027 1703	027	17	157		BABCOCK ST
027 1800	027	18	163		BABCOCK ST
027 1900	027	19	167		BABCOCK ST
027 2000	027	20	173		BABCOCK ST
027 2700	027	27	195		BABCOCK ST
027 2800	027	28	199		BABCOCK ST
027 2900	027	29	205		BABCOCK ST
027 3000	027	30	209		BABCOCK ST
027 3100	027	31	215		BABCOCK ST
033 0100	033	01	53		DWIGHT ST
033 0200	033	02	57		DWIGHT ST
033 0300	033	03	91		BABCOCK ST
033 0400	033	04	95		BABCOCK ST
033 0503	033	05	99		BABCOCK ST
033 0600	033	06	105		BABCOCK ST
033 0700	033	07	109		BABCOCK ST
033 0800	033	08	113		BABCOCK ST
033 0900	033	09	121	125	BABCOCK ST
033 1000	033	10	40	46	STETSON ST
033 1200	033	12	34		STETSON ST
033 1300	033	13	30		STETSON ST
033 1400	033	14	26		STETSON ST
033 1500	033	15	24		STETSON ST
033 1600	033	16	16		STETSON ST
033 1700	033	17	12		STETSON ST
034 0100	034	01	77		BABCOCK ST
035 0100	035	01	7		STETSON ST
035 0200	035	02	9		STETSON ST
035 0300	035	03	15		STETSON ST
035 0400	035	04	19		STETSON ST
035 0500	035	05	23		STETSON ST
035 0600	035	06	27		STETSON ST
035 0700	035	07	31		STETSON ST
035 0800	035	08	35		STETSON ST
035 0900	035	09	39		STETSON ST
035 1000	035	10	43		STETSON ST
035 1100	035	11	47		STETSON ST
035 1200	035	12	51		STETSON ST
048 1300	048	13	345		HARVARD ST

8.A.

049 0100	049	01	16		MANCHESTER RD
049 0200	049	02	12		MANCHESTER RD
049 0300	049	03	156		BABCOCK ST
049 0400	049	04	148		BABCOCK ST
049 0500	049	05	140		BABCOCK ST
049 0900	049	09	104		BABCOCK ST
049 1000	049	10	19		DEVOTION ST
049 1100	049	11	94		BABCOCK ST
049 1200	049	12	90		BABCOCK ST
049 1300	049	13	86		BABCOCK ST
049 1400	049	14	80		BABCOCK ST
049 1800	049	18	75		STEDMAN ST
049 1900	049	19	79		STEDMAN ST
049 2000	049	20	83		STEDMAN ST
049 2100	049	21	89		STEDMAN ST
049 2200	049	22	91		STEDMAN ST
049 2300	049	23	95		STEDMAN ST
049 2400	049	24	99		STEDMAN ST
049 2500	049	25	101	103	STEDMAN ST
049 2600	049	26	105		STEDMAN ST
049 2700	049	27	111		STEDMAN ST
049 2800	049	28	113		STEDMAN ST
049 2900	049	29	115		STEDMAN ST
049 3000	049	30	117	119	STEDMAN ST
049 3100	049	31	121	123	STEDMAN ST
050 0500	050	05	15		BEALS ST
050 0600	050	06	19		BEALS ST
050 0700	050	07	25		BEALS ST
050 0800	050	08	29		BEALS ST
050 0900	050	09	35		BEALS ST
050 1000	050	10	39		BEALS ST
050 1100	050	11	43		BEALS ST
050 1203	050	12	49		BEALS ST
050 1300	050	13	51		BEALS ST
050 1400	050	14	55		BEALS ST
050 1503	050	15	63		BEALS ST
050 1600	050	16	67		BEALS ST
050 1700	050	17	73		BEALS ST
050 1800	050	18	77	79	BEALS ST
050 1900	050	19	83		BEALS ST
050 2000	050	20	85		BEALS ST
050 2100	050	21	91		BEALS ST
050 2200	050	22	95		BEALS ST

8.A.

050 2300	050	23	99		BEALS ST
050 2400	050	24	86		STEDMAN ST
050 2500	050	25	82		STEDMAN ST
050 2600	050	26	78		STEDMAN ST
050 2700	050	27	72		STEDMAN ST
050 2800	050	28	66		STEDMAN ST
050 2900	050	29	60	62	STEDMAN ST
050 3000	050	30	56	58	STEDMAN ST
050 3100	050	31	50		STEDMAN ST
050 3200	050	32	48		STEDMAN ST
050 3300	050	33	44		STEDMAN ST
050 3400	050	34	38	A	STEDMAN ST
050 3500	050	35	32		STEDMAN ST
050 3600	050	36	24		STEDMAN ST
050 3700	050	37	20		STEDMAN ST
050 3800	050	38	16		STEDMAN ST
050 3900	050	39	12		STEDMAN ST
051 0500	051	05	11		NAPLES RD
051 0600	051	06	15		NAPLES RD
051 0700	051	07	21		NAPLES RD
051 0800	051	08	23		NAPLES RD
051 0900	051	09	29		NAPLES RD
051 1000	051	10	33		NAPLES RD
051 1101	051	11	41		NAPLES RD
051 1102	051	11	43	45	NAPLES RD
051 1200	051	12	47		NAPLES RD
051 1300	051	13	51		NAPLES RD
051 1400	051	14	55		NAPLES RD
051 1500	051	15	59		NAPLES RD
051 1600	051	16	65		NAPLES RD
051 1700	051	17	69		NAPLES RD
051 1800	051	18	73		NAPLES RD
051 1900	051	19	79		NAPLES RD
051 2000	051	20	85		NAPLES RD
051 2100	051	21	89		NAPLES RD
051 2700	051	27	6		GIBBS ST
051 2800	051	28	100		BEALS ST
051 2900	051	29	96		BEALS ST
051 3000	051	30	92		BEALS ST
051 3100	051	31	88		BEALS ST
051 3300	051	33	80		BEALS ST
051 3400	051	34	74		BEALS ST
051 3500	051	35	70		BEALS ST

8.A.

051 3600	051	36	66		BEALS ST
051 3700	051	37	60		BEALS ST
051 3800	051	38	58		BEALS ST
051 3900	051	39	56		BEALS ST
051 3901	051	39	54		BEALS ST
051 4000	051	40	50		BEALS ST
051 4100	051	41	44		BEALS ST
051 4200	051	42	40		BEALS ST
051 4300	051	43	38		BEALS ST
051 4400	051	44	36		BEALS ST
051 4500	051	45	34		BEALS ST
051 4600	051	46	30		BEALS ST
051 4700	051	47	26		BEALS ST
051 4800	051	48	22		BEALS ST
051 4900	051	49	16		BEALS ST
052 0100	052	01	105		NAPLES RD
052 0203	052	02	58		MANCHESTER RD
052 0400	052	04	48		MANCHESTER RD
052 0500	052	05	42		MANCHESTER RD
052 0600	052	06	34		MANCHESTER RD
052 0700	052	07	32		MANCHESTER RD
052 0800	052	08	28		MANCHESTER RD
052 0900	052	09	120		STEDMAN ST
052 1000	052	10	112		BEALS ST
052 1700	052	17	31		GIBBS ST
053 0100	053	01	162		BABCOCK ST
053 0200	053	02	11		MANCHESTER RD
053 0300	053	03	17		MANCHESTER RD
053 0400	053	04	23		MANCHESTER RD
053 0500	053	05	29		MANCHESTER RD
053 0600	053	06	33		MANCHESTER RD
053 0700	053	07	41		MANCHESTER RD
053 0800	053	08	47		MANCHESTER RD
053 0900	053	09	51	59	MANCHESTER RD
053 1000	053	10	127		NAPLES RD
053 1100	053	11	46		ABBOTTSFORD RD
053 1200	053	12	40		ABBOTTSFORD RD
053 1300	053	13	32		ABBOTTSFORD RD
053 1400	053	14	26		ABBOTTSFORD RD
053 1500	053	15	20		ABBOTTSFORD RD
053 1600	053	16	12		ABBOTTSFORD RD
053 1700	053	17	170		BABCOCK ST
054 0100	054	01	182		BABCOCK ST

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054 0200	054	02	11		ABBOTTSFORD RD
054 0300	054	03	19		ABBOTTSFORD RD
054 0400	054	04	25		ABBOTTSFORD RD
054 0500	054	05	29		ABBOTTSFORD RD
054 0600	054	06	33		ABBOTTSFORD RD
054 0700	054	07	43		ABBOTTSFORD RD
054 0800	054	08	51		ABBOTTSFORD RD
054 0900	054	09	1		OSBORNE RD
054 1000	054	10	5		OSBORNE RD
054 1100	054	11	9		OSBORNE RD
054 1200	054	12	11		OSBORNE RD
054 1300	054	13	17		OSBORNE RD
054 1400	054	14	21		OSBORNE RD
054 1500	054	15	27		OSBORNE RD
054 1600	054	16	31		OSBORNE RD
054 1700	054	17	37		OSBORNE RD
054 1800	054	18	41		OSBORNE RD
054 1900	054	19	190		BABCOCK ST
054 2000	054	20	184		BABCOCK ST
055 0100	055	01	198		BABCOCK ST
055 0200	055	02	36		OSBORNE RD
055 0300	055	03	30		OSBORNE RD
055 0400	055	04	26		OSBORNE RD
055 0500	055	05	22		OSBORNE RD
055 0600	055	06	18		OSBORNE RD
055 0700	055	07	12		OSBORNE RD
055 0800	055	08	145		NAPLES RD
055 0900	055	09	149		NAPLES RD
055 1000	055	10	153		NAPLES RD
055 1100	055	11	157		NAPLES RD
055 1200	055	12	161		NAPLES RD
055 1300	055	13	165		NAPLES RD
055 1400	055	14	169		NAPLES RD
055 1500	055	15	173		NAPLES RD
055 1600	055	16	175		NAPLES RD
055 1701	055	17	1066		COMMONWEALTH AVE
055 1702	055	17	1056		COMMONWEALTH AVE
055 2200	055	22	23		WINSLOW RD
055 2300	055	23	27		WINSLOW RD
055 2400	055	24	31	35	WINSLOW RD
055 2500	055	25	41		WINSLOW RD

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055 2600	055	26	45		WINSLOW RD
055 2701	055	27	51		WINSLOW RD
055 2702	055	27	53		WINSLOW RD
055 2801	055	28	210		BABCOCK ST
055 2900	055	29	204		BABCOCK ST
056 0200	056	02	44		WINSLOW RD
056 0300	056	03	28		WINSLOW RD
056 0400	056	04	24		WINSLOW RD
056 0500	056	05	22		WINSLOW RD
056 0600	056	06	18		WINSLOW RD
056 0700	056	07	16		WINSLOW RD
057 0100	057	01	186		NAPLES RD
057 0200	057	02	184		NAPLES RD
057 0300	057	03	182		NAPLES RD
057 0400	057	04	180		NAPLES RD
057 0500	057	05	178		NAPLES RD
057 0600	057	06	174	176	NAPLES RD
057 0700	057	07	172		NAPLES RD
057 0800	057	08	166		NAPLES RD
057 0900	057	09	162		NAPLES RD
057 1000	057	10	158		NAPLES RD
057 1100	057	11	150	154	NAPLES RD
057 1200	057	12	146		NAPLES RD
057 1300	057	13	140		NAPLES RD
057 1400	057	14	75		ABBOTTSFORD RD
057 1500	057	15	197		FULLER ST
057 1600	057	16	203		FULLER ST
057 1700	057	17	207	209	FULLER ST
057 1800	057	18	211		FULLER ST
057 1900	057	19	217		FULLER ST
057 2000	057	20	221		FULLER ST
057 2100	057	21	225	231	FULLER ST
057 2101	057	21	1106		COMMONWEALTH AVE
057 2102	057	21	1092		COMMONWEALTH AVE
057 2103	057	21	1086		COMMONWEALTH AVE
057 2104	057	21	1082		COMMONWEALTH AVE
059 0100	059	01	192		FULLER ST
059 0200	059	02	87	89	ABBOTTSFORD RD
059 0301	059	03	91		ABBOTTSFORD RD
059 0400	059	04	101	103	ABBOTTSFORD RD

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059 0500	059	05	9		HAMILTON RD
060 0100	060	01	177		THORNDIKE ST
060 0200	060	02	171	173	THORNDIKE ST
060 0300	060	03	165	167	THORNDIKE ST
060 0400	060	04	161		THORNDIKE ST
060 1000	060	10	162	164	COOLIDGE ST
060 1100	060	11	166	168	COOLIDGE ST
060 1200	060	12	170		COOLIDGE ST
060 1300	060	13	176		COOLIDGE ST
061 0100	061	01	177		COOLIDGE ST
061 0200	061	02	176		FULLER ST
061 0300	061	03	165		COOLIDGE ST
061 1000	061	10	172		FULLER ST
062 0100	062	01	132		NAPLES RD
062 0200	062	02	122		NAPLES RD
062 0300	062	03	114		NAPLES RD
062 0400	062	04	47		GIBBS ST
062 0600	062	06	165		FULLER ST
062 0700	062	07	169		FULLER ST
062 0800	062	08	175		FULLER ST
062 0900	062	09	183		FULLER ST
062 1000	062	10	70		ABBOTTSFORD RD
063 0800	063	08	82		NAPLES RD
063 0900	063	09	74		NAPLES RD
063 1000	063	10	68		NAPLES RD
063 1100	063	11	64		NAPLES RD
063 1200	063	12	60		NAPLES RD
063 1300	063	13	54		NAPLES RD
063 1400	063	14	50		NAPLES RD
063 1500	063	15	103		FULLER ST
063 1600	063	16	107		FULLER ST
063 1700	063	17	111		FULLER ST
063 1800	063	18	115		FULLER ST
063 1900	063	19	119		FULLER ST
063 2000	063	20	123		FULLER ST
064 0100	064	01	46		NAPLES RD
064 0200	064	02	40		NAPLES RD
064 0300	064	03	36		NAPLES RD
064 0400	064	04	30		NAPLES RD
064 0500	064	05	24		NAPLES RD
064 0600	064	06	18		NAPLES RD
064 0700	064	07	12		NAPLES RD
064 0800	064	08	8		NAPLES RD

8.A.

064 1200	064	12	67		FULLER ST
064 1300	064	13	73		FULLER ST
064 1400	064	14	77		FULLER ST
064 1500	064	15	83		FULLER ST
064 1600	064	16	87		FULLER ST
064 1700	064	17	91		FULLER ST
064 1800	064	18	93		FULLER ST
064 1900	064	19	95		FULLER ST
064 2000	064	20	97		FULLER ST
065 0100	065	01	101		COOLIDGE ST
065 0200	065	02	111	115	COOLIDGE ST
065 0300	065	03	119		COOLIDGE ST
065 0400	065	04	125		COOLIDGE ST
065 0500	065	05	127		COOLIDGE ST
065 0600	065	06	133		COOLIDGE ST
065 0700	065	07	137		COOLIDGE ST
065 0800	065	08	143		COOLIDGE ST
065 0900	065	09	147		COOLIDGE ST
065 1000	065	10	60		GIBBS ST
065 1100	065	11	148		FULLER ST
065 1800	065	18	120		FULLER ST
065 1900	065	19	116		FULLER ST
065 2000	065	20	112		FULLER ST
065 2100	065	21	108		FULLER ST
065 2200	065	22	102		FULLER ST
066 0100	066	01	98		FULLER ST
066 0101	066	01	90		FULLER ST
066 0300	066	03	88		FULLER ST
066 0400	066	04	84		FULLER ST
066 0500	066	05	82		FULLER ST
066 0600	066	06	78		FULLER ST
066 0700	066	07	74		FULLER ST
066 0800	066	08	68		FULLER ST
066 0900	066	09	62		FULLER ST
066 1200	066	12	69		COOLIDGE ST
066 1300	066	13	73		COOLIDGE ST
066 1400	066	14	79		COOLIDGE ST
066 1500	066	15	83		COOLIDGE ST
066 1600	066	16	87		COOLIDGE ST
066 1700	066	17	91		COOLIDGE ST
066 1800	066	18	95		COOLIDGE ST
067 0100	067	01	92		COOLIDGE ST
067 0200	067	02	88		COOLIDGE ST

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067 0300	067	03	84		COOLIDGE ST
067 0400	067	04	78		COOLIDGE ST
067 0500	067	05	74		COOLIDGE ST
067 0600	067	06	70		COOLIDGE ST
067 1000	067	10	77		THORNDIKE ST
067 1100	067	11	81	83	THORNDIKE ST
067 1200	067	12	87		THORNDIKE ST
067 1300	067	13	91		THORNDIKE ST
067 1400	067	14	93		THORNDIKE ST
068 0400	068	04	136		COOLIDGE ST
068 0500	068	05	132		COOLIDGE ST
068 0600	068	06	128		COOLIDGE ST
068 0700	068	07	124		COOLIDGE ST
068 0800	068	08	120		COOLIDGE ST
068 0900	068	09	114		COOLIDGE ST
068 1000	068	10	110		COOLIDGE ST
068 1100	068	11	104		COOLIDGE ST
068 1200	068	12	100		COOLIDGE ST
068 1300	068	13	45		CLARENCE ST
068 1400	068	14	107		THORNDIKE ST
068 1500	068	15	111		THORNDIKE ST
068 1600	068	16	117		THORNDIKE ST
068 1700	068	17	121		THORNDIKE ST
068 1800	068	18	127		THORNDIKE ST
068 1900	068	19	131		THORNDIKE ST
068 2000	068	20	135		THORNDIKE ST
068 2100	068	21	141		THORNDIKE ST
068 2200	068	22	147		THORNDIKE ST
069 0700	069	07	148		THORNDIKE ST
069 0800	069	08	140		THORNDIKE ST
069 0900	069	09	136		THORNDIKE ST
069 1000	069	10	130		THORNDIKE ST
069 1100	069	11	126		THORNDIKE ST
069 1200	069	12	122		THORNDIKE ST
069 1300	069	13	116		THORNDIKE ST
069 1400	069	14	112		THORNDIKE ST
069 1500	069	15	106		THORNDIKE ST
069 1600	069	16	102		THORNDIKE ST
069 1700	069	17	98		THORNDIKE ST
069 1800	069	18	92		THORNDIKE ST
069 1900	069	19	88		THORNDIKE ST
069 2000	069	20	82		THORNDIKE ST
069 2100	069	21	78		THORNDIKE ST

8.A.

069 2500	069	25	21		LAWTON ST
069 2600	069	26	27		LAWTON ST
069 2700	069	27	33		LAWTON ST
069 2800	069	28	39		LAWTON ST
069 2900	069	29	45		LAWTON ST
069 3000	069	30	53		LAWTON ST
069 3100	069	31	57		LAWTON ST
069 3200	069	32	63		LAWTON ST
069 3300	069	33	71		LAWTON ST
069 3400	069	34	79		LAWTON ST
069 3500	069	35	85		LAWTON ST
069 3600	069	36	93		LAWTON ST
069 3700	069	37	103		LAWTON ST
069 3800	069	38	105		LAWTON ST
069 3940	069	39	115		LAWTON ST
070 0300	070	03	116		LAWTON ST
070 0500	070	05	112		LAWTON ST
070 0600	070	06	108		LAWTON ST
070 0700	070	07	102		LAWTON ST
070 0800	070	08	96		LAWTON ST
070 0900	070	09	90		LAWTON ST
070 1000	070	10	84		LAWTON ST
070 1100	070	11	78		LAWTON ST
070 1200	070	12	74		LAWTON ST
070 1300	070	13	66		LAWTON ST
070 1400	070	14	60		LAWTON ST
070 1500	070	15	54		LAWTON ST
070 1600	070	16	48		LAWTON ST
070 1700	070	17	38		LAWTON ST
070 2325	070	23	1168		COMMONWEALTH AVE
070 2600	070	26	1158		COMMONWEALTH AVE
070 2700	070	27	1156		COMMONWEALTH AVE
071 0300	071	03	19		VERNDAL ST
071 0400	071	04	21		VERNDAL ST
071 0500	071	05	27		VERNDAL ST
071 0600	071	06	31		VERNDAL ST
071 0700	071	07	33		VERNDAL ST
071 0800	071	08	39		VERNDAL ST
071 0900	071	09	43		VERNDAL ST
071 1000	071	10	49		VERNDAL ST

8.A.

071 1100	071	11	55		VERNDALE ST
071 1200	071	12	57		VERNDALE ST
071 1300	071	13	63	65	VERNDALE ST
071 1400	071	14	67		VERNDALE ST
071 1500	071	15	73		VERNDALE ST
071 1600	071	16	77		VERNDALE ST
071 1700	071	17	81		VERNDALE ST
071 1900	071	19	91		VERNDALE ST
071 2000	071	20	95		VERNDALE ST
071 2100	071	21	101		VERNDALE ST
071 2200	071	22	133		COLUMBIA ST
071 2300	071	23	139		COLUMBIA ST
071 2526	071	25	79		VERNDALE ST
071 2700	071	27	11		FENENO TER
071 2800	071	28	15		FENENO TER
071 2900	071	29	10		FENENO TER
071 3000	071	30	8		FENENO TER
071 3100	071	31	5		MANTON TER
071 3200	071	32	7		MANTON TER
071 3300	071	33	8		MANTON TER
071 3400	071	34	7		FISKE TER
072 0200	072	02	9		KENWOOD ST
072 0300	072	03	15		KENWOOD ST
072 0400	072	04	19		KENWOOD ST
072 0500	072	05	23		KENWOOD ST
072 0600	072	06	27		KENWOOD ST
072 0700	072	07	33		KENWOOD ST
072 0800	072	08	37		KENWOOD ST
072 0900	072	09	41		KENWOOD ST
072 1000	072	10	45		KENWOOD ST
072 1100	072	11	51		KENWOOD ST
072 1200	072	12	55		KENWOOD ST
072 1201	072	12	57		KENWOOD ST
072 1300	072	13	61		KENWOOD ST
072 1400	072	14	63	67	KENWOOD ST
072 1500	072	15	69		KENWOOD ST
072 1600	072	16	73	75	KENWOOD ST
072 1700	072	17	77		KENWOOD ST
072 1800	072	18	83		KENWOOD ST
072 1900	072	19	109		COLUMBIA ST
072 2000	072	20	96		VERNDALE ST
072 2100	072	21	90		VERNDALE ST
072 2200	072	22	86		VERNDALE ST

8.A.

072 2300	072	23	78		VERNDALE ST
072 2400	072	24	76		VERNDALE ST
072 2500	072	25	70		VERNDALE ST
072 2600	072	26	64	66	VERNDALE ST
072 2700	072	27	60		VERNDALE ST
072 2800	072	28	56	58	VERNDALE ST
072 2900	072	29	50		VERNDALE ST
072 3000	072	30	46		VERNDALE ST
072 3100	072	31	42		VERNDALE ST
072 3200	072	32	36		VERNDALE ST
072 3300	072	33	32		VERNDALE ST
072 3400	072	34	28		VERNDALE ST
072 3500	072	35	24		VERNDALE ST
072 3600	072	36	20		VERNDALE ST
072 3700	072	37	16		VERNDALE ST
072 3800	072	38	12		VERNDALE ST
073 0300	073	03	11		RUSSELL ST
073 0400	073	04	15		RUSSELL ST
073 0500	073	05	21		RUSSELL ST
073 0600	073	06	25		RUSSELL ST
073 0700	073	07	31		RUSSELL ST
073 0800	073	08	33	35	RUSSELL ST
073 0900	073	09	39	41	RUSSELL ST
073 1000	073	10	43	45	RUSSELL ST
073 1100	073	11	89		COLUMBIA ST
073 1200	073	12	50		KENWOOD ST
073 1300	073	13	46		KENWOOD ST
073 1400	073	14	40		KENWOOD ST
073 1500	073	15	34		KENWOOD ST
073 1600	073	16	30		KENWOOD ST
073 1700	073	17	26		KENWOOD ST
073 1800	073	18	22		KENWOOD ST
073 1900	073	19	16		KENWOOD ST
073 2000	073	20	12		KENWOOD ST
074 0200	074	02	9	11	COLUMBIA ST
074 0300	074	03	15		COLUMBIA ST
074 0400	074	04	19		COLUMBIA ST
074 0500	074	05	25		COLUMBIA ST
074 0603	074	06	29	A	COLUMBIA ST
074 0700	074	07	33		COLUMBIA ST
074 0800	074	08	39		COLUMBIA ST
074 0900	074	09	45		COLUMBIA ST
074 1000	074	10	51		COLUMBIA ST

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074 1100	074	11	61		COLUMBIA ST
074 1200	074	12	62		RUSSELL ST
074 1300	074	13	56		RUSSELL ST
074 1400	074	14	50		RUSSELL ST
074 1500	074	15	46		RUSSELL ST
074 1600	074	16	42		RUSSELL ST
074 1700	074	17	34	36	RUSSELL ST
074 1800	074	18	32		RUSSELL ST
074 1900	074	19	28		RUSSELL ST
074 2000	074	20	22		RUSSELL ST
074 2100	074	21	18		RUSSELL ST
074 2200	074	22	12		RUSSELL ST
075 0300	075	03	60		THORNDIKE ST
075 0400	075	04	54		THORNDIKE ST
075 0500	075	05	50		THORNDIKE ST
075 0600	075	06	46		THORNDIKE ST
075 0700	075	07	40		THORNDIKE ST
075 0800	075	08	36		THORNDIKE ST
075 0900	075	09	32		THORNDIKE ST
075 1000	075	10	26		THORNDIKE ST
075 1100	075	11	22		THORNDIKE ST
075 1200	075	12	18		THORNDIKE ST
075 1300	075	13	12		THORNDIKE ST
075 3600	075	36	144		COLUMBIA ST
075 3700	075	37	140		COLUMBIA ST
075 3800	075	38	136		COLUMBIA ST
075 3900	075	39	132		COLUMBIA ST
075 4000	075	40	128		COLUMBIA ST
075 4100	075	41	124		COLUMBIA ST
075 4200	075	42	120		COLUMBIA ST
075 4300	075	43	116		COLUMBIA ST
075 4400	075	44	112		COLUMBIA ST
075 4500	075	45	108		COLUMBIA ST
075 4600	075	46	104		COLUMBIA ST
075 4700	075	47	100		COLUMBIA ST
075 4800	075	48	96		COLUMBIA ST
075 4900	075	49	92		COLUMBIA ST
075 5000	075	50	88		COLUMBIA ST
075 5100	075	51	80		COLUMBIA ST
075 5200	075	52	76		COLUMBIA ST
075 5300	075	53	70		COLUMBIA ST
075 5400	075	54	66		COLUMBIA ST
075 5500	075	55	60		COLUMBIA ST

8.A.

075 5600	075	56	1		COLUMBIA TER
075 5700	075	57	7		COLUMBIA TER
075 5803	075	58	50		COLUMBIA ST
075 5900	075	59	46		COLUMBIA ST
075 6000	075	60	40		COLUMBIA ST
075 6100	075	61	36		COLUMBIA ST
075 6200	075	62	30	32	COLUMBIA ST
075 6300	075	63	26		COLUMBIA ST
075 6400	075	64	22		COLUMBIA ST
075 6500	075	65	16		COLUMBIA ST
075 6600	075	66	12		COLUMBIA ST
076 0200	076	02	17		THORNDIKE ST
076 0300	076	03	21		THORNDIKE ST
076 0400	076	04	25		THORNDIKE ST
076 0500	076	05	29		THORNDIKE ST
076 0600	076	06	33		THORNDIKE ST
076 0700	076	07	39		THORNDIKE ST
076 0800	076	08	43		THORNDIKE ST
076 0900	076	09	49		THORNDIKE ST
076 1000	076	10	53		THORNDIKE ST
076 1100	076	11	57		THORNDIKE ST
076 1400	076	14	54		COOLIDGE ST
076 1500	076	15	48		COOLIDGE ST
076 1600	076	16	42		COOLIDGE ST
076 1700	076	17	40		COOLIDGE ST
076 1800	076	18	34		COOLIDGE ST
076 1900	076	19	30		COOLIDGE ST
076 2000	076	20	26		COOLIDGE ST
076 2100	076	21	20		COOLIDGE ST
076 2200	076	22	16		COOLIDGE ST
076 2300	076	23	8		COOLIDGE ST
077 0101	077	01	9		COOLIDGE ST
077 0300	077	03	21		COOLIDGE ST
077 0400	077	04	23		COOLIDGE ST
077 0500	077	05	31		COOLIDGE ST
077 0600	077	06	35		COOLIDGE ST
077 0700	077	07	41		COOLIDGE ST
077 0800	077	08	45		COOLIDGE ST
077 2500	077	25	15		COOLIDGE ST
077 2600	077	26	17		COOLIDGE ST

23 MAR 9 45:03

Cannabis Article

Donelle S. O'Neal Sr
donelle617@gmail.com

Submitted by: Donelle S O'Neal Sr.

SECTION ONE

Section 8.37.2 of article 8.37, Marijuana Establishments, is hereby amended in the following ways:

To see if the Town will amend Section 8.37.4 of Article 8.37 of the Town's General ByLaws,

"CAPS ON THE NUMBER OF SELECT BOARD LICENSES FOR MARIJUANA CANNABIS

RETAILERS", as follows (additions are in bold, underlined text, and deletions are in bold, stricken text):

Section 8.37.4 CAPS ON THE NUMBER OF SELECT BOARD LICENSES FOR **MARIJUANA CANNABIS RETAILERS**

The Select Board shall **not** issue more **Marijuana- Cannabis** Establishment licenses in each of the following categories of **Marijuana- Cannabis** Establishment licenses than the number that is 20% of the number of liquor licenses for off-premises alcohol consumption that have been issued by the Select Board pursuant to M.G.L. c. 138, § 15, as rounded up to the nearest whole number in the event the number is a fraction: a) Storefront **Marijuana- Cannabis** Retailers, b) **Marijuana- Cannabis**-Delivery Operators, c) Social Consumption **Marijuana- Cannabis** Retailers, and d) **Marijuana**-Couriers. **The Select Board may increase the foregoing limitation in (a) by two (2) as to Storefront Cannabis Retailers in the event it is granting the additional license(s) to an Equity Applicant as defined in a Select Board Cannabis policy or regulation then in effect.**

or act on anything relative thereto.

SECTION TWO

Section 8.37.2 of article 8.37, Marijuana Establishments, is hereby amended by inserting after the last paragraph the following new paragraph:-

r. **Cannabis – Marijuana as defined by this article, Massachusetts General Laws, chapters 94G and 94I, and the regulations promulgated thereunder, as they may be amended.**

Explanation

In May 2018, Town Meeting passed Warrant Articles 17 and 18 relating to the Town's Zoning and General by-laws, exercising local control over the siting, density and number of Cannabis Establishments within the Town. More specifically, Town Meeting approved the "default" cap on Cannabis Retailers at 20% of the number off-premise alcohol consumption. There are 20 Licenses issued as of 10/24/22.

Recently The Select Board added a 21st. (21 x .20 = 4.2, which rounded up per our By-Law = 5)

The Board has expressed interest in diversifying the local cannabis industry and expanding the current cap on Cannabis retailers to achieve this goal. This Warrant Article proposes to achieve this goal by amending Article 8.37 of the Town's General ByLaws to increase the cap on the number of Select Board licenses for Cannabis Retailers -- by two (2) additional license -- to be made available only to Equity Applicants, as defined by The New State Cannabis Law. Including but not limited to the Select Board policy or regulation. In the event Town Meeting approves this amendment and the Town receives interest in the newly-available two (2) additional Cannabis Retailer licenses from qualified Equity Applicants, the number of Cannabis Retailers in town would increase from four to six.

The two additional Cannabis Retail licenses would be subject to a new Cannabis Retailer Equity Policy that is currently being considered by the Select Board. That is The proposed policy exclusively provides the two additional Cannabis Retail licenses proposed by this Warrant Article for Equity Applicants. Which is in line with The New State Cannabis Legislation relative to Equity in the Cannabis Industry” (Senate, No. 3096) According to the proposal the Select Board is considering, "Equity Applicants" consist of applicants with Disadvantaged Business Enterprises status from the Commonwealth of Massachusetts (DBEs), Social Equity Participant status from the Cannabis Control Commission (SEPs), and Economic Empowerment Applicant status from the Cannabis Control Commission (EEAs). Further, Equity Applicants that are also Brookline residents will receive priority.

The article seeks to amend the Town's by-laws to increase the cap on the number of Select Board licenses for Cannabis Retailers -- by two (2) additional license -- to be made available only to Equity Applicants. The Select Board's policy, which was adopted in August and further amended in November, defines equity applicants as entities that have received a designation as having either Cannabis Control Commission (CCC) Economic Empowerment Status or CCC Social Equity Status. It's Brookline's responsibility and duty to comply with The New Massachusetts State Cannabis Legislation Senate No. 3096. Especially Section 11. Which reads, "Said section 3 of said chapter 94G, as so appearing, is hereby further amended by adding the following subsection:-

(F) A city or town shall adhere to cannabis control commission regulations promulgated pursuant to section 4 regarding procedures and policies for host communities to promote and encourage full participation in the regulated Cannabis industry by people from communities that have been disproportionately harmed by Cannabis prohibition and enforcement and may establish additional procedures and policies to further this goal. The failure of a host community to adhere to such procedures and policies shall result in a Monetary penalty to the host community equal to the annual total of community impact fees received from all marijuana

8.A.

establishments or medical marijuana treatment centers operating within the host community, to be deposited into the Cannabis Social Equity Trust Fund established in section 14A of chapter 94G.”

SIGNATURES (Ten registered voters required)

The following registered Brookline voters support the attached submitted article.

<u>SIGNATURE</u>	<u>PRINT NAME</u>	<u>ADDRESS</u>
1. <i>[Signature]</i>	ALANYI HANUSI	64 Village Way N
2. <i>[Signature]</i>	Rebecca Cybulski	64 Village Way N
3. <i>[Signature]</i>	KATYMBADA DUNSTON	68 Village Way ✓
4. <i>[Signature]</i>	Dorelle S. O'Neal Sr.	68 Village Way ✓
5. <i>[Signature]</i>	Priscilla Agat	32 Juniper St ✓
6. <i>[Signature]</i>	Donnell Dias	8 Roberts Street ✓
7. <i>[Signature]</i>	Farisa Jimenez	6 Olmsted Rd #204 ✓
8. <i>[Signature]</i>	Jonathan Lau	52 Loveland Rd ✓
9. <i>[Signature]</i>	ANTON ROZENVOYAN	99 Kent St #216 N
10. <i>[Signature]</i>	Alexa DiPalma	1163 Beacon St #3 ✓
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SIGNATURES (Ten registered voters required)

The following registered Brookline voters support the attached submitted article.

<u>Signature</u>	<u>Print Name</u>	<u>Address</u>
1. <i>[Signature]</i>	<i>ON 200</i>	<i>22 High St. Apt. 36</i>
2. <i>[Signature]</i>	<i>Joshua M. Dickerson</i>	<i>66 Village Way</i>
3. <i>[Signature]</i>	<i>Mary Sabolsi</i>	<i>115 Walnut St #3</i>
4. <i>[Signature]</i>	<i>Paul Hsieh</i>	<i>115 Walnut St #3</i>
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Proposed Warrant Article to increase fines for repeat violations of the food refuse storage and removal by-laws

Submitted by: Alec Lebovitz (TMM-8), Carolyn Goodwin (TMM-8), & Anthony Ishak (TMM-1)

To see if the Town will amend the Town's General By-laws as follows (language to be added appearing in underline):

**ARTICLE 10.3
NON-CRIMINAL DISPOSITION**

A violation of any provision of these by-laws, the violation of which is subject to a specific penalty under Section 10.1 or in the specific provision which has been violated, except when otherwise provided by law, or any rule or regulation of any municipal officer, board or department may be dealt with as a non-criminal offense in accordance with the provisions of General Laws, Chapter 40, section 21d. If not subject to a specific penalty in the following table, each violation shall be subject to a specific penalty of fifty (\$50.00) dollars for each offense, unless a different penalty is provided in the specific by-law, rule or regulation provision being enforced. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as a separate offense hereunder. Violations of this Article 10.3 may be enforced by any police officer of the town, by the department head or their designee as set forth with particular reference to specific articles in Article 10.2, above, and, when a violation involves a rule or regulation of any municipal officer, board or department, by that municipal officer or by that board or the head of that department, by their designee, and in all instances, in accordance with the requirements set forth in General Laws, Chapter 40, section 21d.

TABLE OF SPECIFIC PENALTIES UNDER ARTICLE 10.3

Article 5.1	<u>Alarm Systems</u>		
	Section 5.1.9	False Alarms	\$100.00
	Section 5.1.10	Penalties	\$100.00
Article 5.8	<u>Sign By-Law</u>		
	Section 5.8.9	Penalty For Violation	\$100.00
Article 6.2	<u>Alcoholic Beverages On Public Property</u>		
	Section 6.2.2	Penalty	\$100.00

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Article 6.3	<u>Grass Borders</u>	\$ 75.00
Article 6.4	<u>Damage To Trees</u>	\$100.00
Article 6.5	<u>Defacing Public Grounds</u>	\$ 75.00
Article 6.6	<u>Discharging Firearms</u>	\$100.00
Article 7.1	<u>Alcoholic Beverages</u>	\$100.00
Article 7.3	<u>Construction In Streets</u>	
	Section 7.3.3	Penalty \$100.00
Article 7.6	<u>Newsrack Regulation</u>	
	Section 7.6.5	Penalty \$ 25.00
Article 7.7	<u>Removal of Snow and Ice From Sidewalks</u>	
Section 7.7.5 Penalties		
For Section 7.7.1 and 7.7.2		
	First Violation	\$100
	Second Violation	\$150
	Third and Subsequent Violations	\$200
For Section 7.7.3		
	First Violation	\$50
	Second and Subsequent Violations	\$100
For Section 7.7.4		\$250
Article 7.8	<u>Removal Of Vehicles From Streets</u>	\$ 25.00
Article 7.9	<u>Snow Parking Ban</u>	\$100.00
Article 8.3	<u>Dwelling Houses Used In Common</u>	\$100.00

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Article 8.5 Disorderly Behavior

Section 8.5.5 Specific Penalty	\$100.00
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Article 8.6 Dog Control

Section 8.6.9 Penalty	
First Violation	\$ 15.00

Second & Third Violations	\$ 25.00
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Fourth & Subsequent Violations	\$ 50.00
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Article 8.7 Food Stores - Hours Of Operation \$ 50.00

Article 8.8 Food Establishments Handling Of Refuse

Section 8.8.1 Penalty - Fines may be levied daily until compliance

First Violation	\$100.00
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Second Violation	\$200.00
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Third & Subsequent Violations	\$300.00
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Section 8.8.2 Penalty - Fines may be levied daily until compliance

First Violation	\$100.00
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Second Violation	\$200.00
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Third & Subsequent Violations	\$300.00
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Article 8.9 Toilet Facilities - Restaurants \$ 50.00

Article 8.23 Tobacco Control

Section 8.23.5 Violations & Penalties

For each violation under Article 8.23 -Three Hundred Dollars (\$300.00.

Article 8.24 Water Supply Emergencies

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Section 8.24.6

Penalties

First Violation \$ 50.00

Second & Subsequent Violations \$100.00

Article 8.25 Water System Backflow And Cross Connections

Section 8.25.6 Enforcement \$100.00

Article 8.26 Stormwater Management

First Violation \$100.00

Second Violation \$200.00

Third and Subsequent Violations \$300.00

Article 8.35 Drinking Water Access By-Law

Initial Violation Warning

First Offense \$50.00

Second and Subsequent Offenses \$100.00

HEALTH DEPARTMENT REGULATIONS

Regulations Governing the Handling, Storage, Collection and Disposal of Waste

1. Violations and Penalties for Owners of Commercial Businesses, Corporations and Buildings Containing More Than Three Dwelling Units

First Violation \$100.00

Second Violation \$200.00

Third & Subsequent Violations \$300.00

2. Violations and Penalties for Owners of Single, Two and Three Unit Dwellings

First Violation \$25.00

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	Second Violation	<u>\$50.00</u>
	Third & Subsequent Violations	<u>\$150.00</u>

PETITIONER'S ARTICLE DESCRIPTION

Over the last year, beginning with the near unanimous passage of Article 3 at the Second Special Town Meeting in November, 2022 and the development of the Rodent Control Action Plan (RCAP) by the Town Administrator in conjunction with Town departments, Brookline has taken aggressive action to reduce the rat population in Town.¹ These efforts have included setting smart traps, improving the ability of the Town to collect and dispose of trash, and expanding the capacity of Town departments to enforce refuse code violations by food vendors and residential owners.² These commendable actions have come in response to a significant increase in rodent sightings and related complaints from Town residents.

Annual Rodent Related Complaints Received³

Department	2019	2020	2021	2022 (as of Sept. 2022)
Health Dept	116	107	139	180
DPW	59	85	224	252

This article would complement the ongoing rodent control efforts of the Department of Public Health and the Department of Public Works by amending the bylaws to increase the fines for violations of the refuse storage and disposal bylaws by both food vendors and owners of single, two-, and three-unit residences. The new fines would be structured to increase for repeated violations in order to provide a stronger enforcement tool for Town departments to bring frequent violators into compliance and to prevent an undue burden being placed on owners who are unaware of the bylaws or make an isolated mistake. This update to the established fines would also align the fines for food vendors with the existing fine schedule for commercial businesses.

The petitioners consulted with Town Counsel to ensure that this proposal does not conflict with state law. DPW Director Gallentine and DPH Director Reiss were also consulted during the development of this proposal. Suggestions from both Department Directors were incorporated into this article, including clarifying that the Departments should be given the option but not the obligation of enforcing daily fines against food vendors that remain out of compliance and the proposed amount of increase for the fines on residential violations.

¹ See Combined Reports for Second Special Town Meeting 2022 for Article 3 and a description of the development and content of the Rodent Control Action Plan:

<https://www.brooklinema.gov/DocumentCenter/View/37043/Combined-Reports-November-15-2022-Second-Special-Town-Meeting-with-Supplements-111022>

² Details of these actions and other components of the RCAP were discussed at the 10/18/2022 Select Board meeting (agenda item 15):

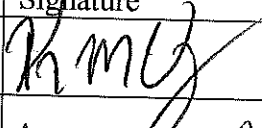
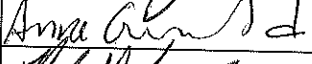

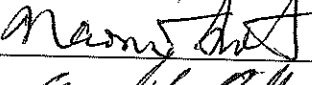
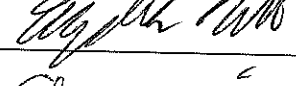
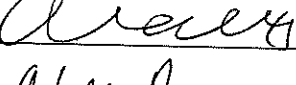
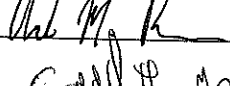
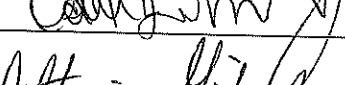
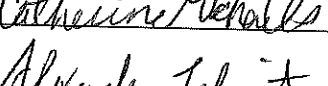
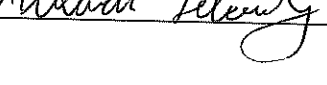
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³ Ibid.

Warrant Article signature page

The following registered Brookline voters support the attached article on increasing refuse fines.

Please write neatly as the Town Clerk will need to validate that you are a registered voter.

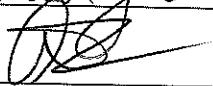
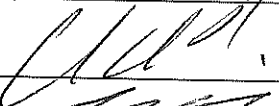

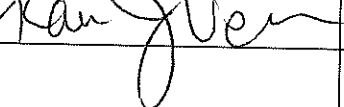
	Signature	Printed name	Address
1		Kevin MacKenzie	19 Stratmore Rd #3
2		Anne Greenwald	6 Fibbes St. #2
3		Robert Lepson	36 Thorndile St.
4		Naomi Sweitzer	14 Griggs Terr
5		Elizabeth Neil	129 Saint Paul St.
6		Andrew Shalit	14 Griggs Ter
7		ARDEN REAMER	72 STEDMAN ST.
8		Carl Lebowitz	3 Bradford Terrace
9		Catherine Michaels	3 Bradford Ter Apt 4
10		Alexander Lebowitz	3 Bradford Terrace Apt. 4

Warrant Article signature page

28 MAR 8 AM 10:10

The following registered Brookline voters support the attached article on increasing refuse fines.

Please write neatly as the Town Clerk will need to validate that you are a registered voter.

	Signature	Printed name	Address
1	Francine B. Perler	Francine B. Perler	74A Fuller ST
2	Paul Warner	Paul Warner	71 Carlton St
3		Amy Evensen	71 Carlton St
4		Chi Chi Wu	14 Marion Ter
5		Sean Lekey	48 Marshall St VA
6		Kara VanGuilder	73 Longwood Ave
7			
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WARRANT ARTICLE TO CREATE A COMMISSION FOR BROOKLINE BLACK N BROWN RESIDENTS

ESTABLISHMENT

To Create a Brookline Black N Brown Commission.

FUNCTION AND PURPOSE

The function of the Commission shall be to:

(a) Act as a centralizing force in the Town of Brookline and the community which will deal with all Black and Brown issues providing information, referral, guidance, and coordination to educate and to offer and provide technical assistance to other public agencies and private persons, organizations and institutions engaged in activities and programs intended to eliminate systemic, racism prejudice and discrimination against a person because of the color of their skin and racial status as Black and Brown.

(b) Take such action as the Commission considers appropriate to advance the aims of the State Equal Rights Amendment to ensure the equal status of Black and Brown persons of every race, creed, color, national origin, age, gender identity or gender expression, and sexual orientation.

(c) The term "Black and Brown" in this Warrant Article shall include:

- I. Black will refer to persons that are African, or African American, with emphasis on those descended from slavery.
- II. Brown refers primarily to Latinx and Indigenous persons that suffer from the institutional harms of being racially marginalized, as well as other minorities that are similarly marginalized due to the color of their skin. This does not encompass all racial minorities, as not all racial minorities are marginalized in the same ways. This commission is to address the specific marginalization of these populations most disenfranchised in Brookline.

POWERS AND DUTIES

The powers and duties of the Commission shall include the following:

(a) To ensure equity in the status of Black and Brown people in Brookline.

(b) To design and implement programs that promote equity for all Black and Brown people in the Town of Brookline.

(c) To develop recommendations and recommend policy to all departments, divisions and agencies of the Town, including the Select Board.

(d) To act as liaison with all departments and divisions of Town government on issues affecting Black and Brown people.

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- (e) To initiate and coordinate and monitor the enactment of legislation which promotes equal status of Black and Brown people on the Municipal, State, and Federal levels, and to assure that appropriate regulations are adopted and enforced pursuant to such legislation.
- (f) To work with and assist the appropriate Town agencies in their investigation of incidents of discrimination against Black and Brown people.
- (g) To obtain from Town departments, divisions, and agencies, information necessary to carry out the functions, purposes, programs, and activities of the Commission.
- (h) To initiate public exhibits and media events in Town Hall, Town libraries, and other town-owned property as well as in other locations within and without the Town.
- (i) To raise funds for the use of the Commission and to accept money, gifts and services for its exclusive use.
- (j) To recruit and recommend prospective Commissioners for subsequent appointment by the Select Board.
- (k) To appoint task forces to assist the Commission in its operations.
- (l) Such other powers and duties as may be agreed on by the Select Board and the Commission.

MEMBERSHIP, APPOINTMENT, TERM

- (a) The Commission shall consist of thirteen members, 12 of whom shall be appointed via residents voting in the neighborhoods they reside in. 1 will be appointed by the Town via the Select Board, to serve for a term of three years.
- (b) The initial appointments shall be made by a voting process overseen by local community leaders. If any positions cannot be filled, or when a vacancy occurs, an appointment shall be made by the Commission to serve for the remainder of the term. A person is not precluded from serving more than one term. Commissioners must be residents of the Town of Brookline.

ELECTION OF CHAIR & BY-LAWS

The members of the Commission shall elect a Chair, vice chair, treasurer and secretary, from among its members, and shall adopt by-laws for the Commission.

ANNUAL REPORT

The Commission shall make an Annual Report of its program and activities to the Select Board.

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SIGNATURES (Ten registered voters required)

The following registered Brookline voters support the attached submitted article.

<u>SIGNATURE</u>	<u>PRINT NAME</u>	<u>ADDRESS</u>
1. <i>Yolande Sealy</i>	Yolande Sealy	30 Village Way ✓
2. <i>Jonna M Dickerson</i>	Jonna M Dickerson	60 Village Way N
3. <i>Kalymba O'Neal</i>	KALYMBIA O'NEAL	65 Village Way ✓
4. <i>Dorelle O'Neal</i>	Dorelle O'Neal	68 Village Way ✓
5. <i>Rebecca Ogburn</i>	Rebecca Ogburn	64 Village Way ✓
6. <i>John Marsh</i>	John Marsh	348 St Paul N
7. <i>Lubna Khan</i>	Lubna Khan	342 St Paul SE N APT #3
8. <i>Nicole Abdulnur</i>	NICOLE Abdulnur	224 High St #3 ✓
9. <i>Shayla Barnes</i>	Shayla Barnes	218 High St #3 N
10. <i>Kelly Voglatzoglev</i>	Kelly Voglatzoglev	220 High St Apt 1 ✓
11. <i>Linda Garcia</i>	Linda Garcia	30 Walnut St N
12. <i>Tamu Jackson</i>	Tamu Jackson	34 Village Way ✓
13. <i>Tamara Payen</i>	TAMARA Payen	55 Village Way ✓
14. <i>Prisilla Ayati</i>	Prisilla Ayati	32 Juniper St ✓
15. <i>Alanyr Horasi</i>	Alanyr Horasi	64 Village Way N
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8.A.

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23 APR 94 10:04

Warrant Article signature page

SIGNATURES (Ten registered voters required)

The following registered Brookline voters support the attached submitted article.

	<u>SIGNATURE</u>	<u>PRINT NAME</u>	<u>ADDRESS</u>
1.		Sammy Hernandez	6 Village way ✓
2.		Sharon O'Neill	22 High St Apt 36 ✓
3.		Natasha Abbey	152 pleasant St #201
4.		Ipalibo Da-Wariboko	64 Village way, Brookline
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25.			
26.		Nafeesa Hunter	
27.		mfeesa2209@gmail.com	
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8.A.

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Rebecca Stone
617-549-2162

73 FEB 27 PM 3:20

Proposed New Brookline By-Law on Reproductive & Gender Health and Equity

Petitioners: Rebecca Stone, TMM3, on behalf of the Brookline Commission for Women; Valerie Frias, TMM13; Scott Gladstone, TMM16; Anthony Ishak, TMM1; Janice Kahn, TMM15; Alec Lebovitz, TMM8; Arden Reamer, TMM8; Pam Roberts, TMM2; Felina Silver Robinson, TMM3; Chloe Zera, M.D., MPH

*To see if the Town will amend the General By-laws to add the following Article:
[deletions are crossed-through; new language is in bold face]*

~~8.39 MENSTRUAL HYGIENE PRODUCT ACCESS BY LAW~~

8.XX REPRODUCTIVE and GENDER HEALTH ACCESS & EQUITY

Section 8.XX.1 Intent and Purpose

This by-law codifies Brookline's commitment to access for all to safe, caring, and equitable reproductive and gender health care and establishes Brookline as a safe haven for anyone seeking or providing reproductive or gender-affirming health care, consistent with the amendments to G.L. chapters 12, 218, 223A, 233 set forth in Chapter 127 of the Acts of 2022, *An Act expanding protections for reproductive and gender-affirming care*.

Reproductive and gender health protections in Brookline are specified as including, but not limited to, menstrual regulation or products, prevention or termination of pregnancy, gender-affirming care, and support for healthy pregnancy and childbirth.

~~Section 8.XX.2 MENSTRUAL HYGIENE PRODUCT ACCESS BY LAW~~

~~8.XX.2.i Definitions~~

~~8.XX.2.ii Access to Menstrual Hygiene Products~~

~~8.XX.2.iii Manner of Dispensing~~

~~8.XX.2.iv Green Products~~

~~8.XX.2.v Effective Date~~

Section 8.XX.3 SAFE ACCESS TO LEGALLY PROTECTED HEALTH CARE

8.XX.3.i Definitions

The terms 'Gender-affirming health care services', 'Legally protected health care activity', and 'Reproductive health care services' shall have the same meanings as under M.G.L. c. 9A, s. 1.

"Abusive litigation" means litigation or other legal action to deter, prevent, sanction or punish any person engaging in legally-protected health care activity that is: (i) filed or prosecuted in any state other than the Commonwealth where liability, in whole or part, directly or indirectly, is based on legally-protected health care activity that occurred in the Commonwealth, including any action in which liability is based on any theory of vicarious, joint or several liability derived therefrom; or (ii) an attempt to enforce any order or judgment issued in connection with any such action described in subsection (1), by any

civil or criminal liability or professional sanction under the laws of the Commonwealth if committed in this Commonwealth.

Notwithstanding the general prohibition of this section, agencies and individuals acting on their behalf may provide information or assistance in connection with such an investigation or proceeding in response to the written request of a person who is the subject of such an investigation or proceeding.

- d. All Town agents shall comply with any state law or regulation pertaining to reproductive and gender-affirming health care not otherwise explicitly stated in this by-law.**

Section 8.XX.3.iii Violations

- a. Any Town employee/agent found to have violated this article shall be subject to the relevant discipline policies of the Town of Brookline, if applicable.**
- b. Any Town contractor found to have violated this article shall be subject to review and potential termination of contract.**

Section 8.XX.3.iv Severability

The sections, paragraphs, sentences, clauses, and phrases of this article are severable, and if any phrase, clause, sentence, paragraph, or section of this article shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this article.

or act on anything relative thereto.

2.27.23 Warrant Article FINAL: Safe Haven Brookline for Reproductive Health**PETITIONERS EXPLANATION:**

The June 24, 2022, U.S. Supreme Court opinion in *Dobbs v. Jackson Women's Health Organization* returned the issue of abortion access to the states, and shortly after the *Dobbs* decision, new and so-called "trigger" laws in 26 states meant that as many as 33 million persons capable of being pregnant do not or will not have access to safe abortion services. At the same time, many of the states restricting abortion have also passed laws banning or restricting gender-affirming care.

In response, the Governor of Massachusetts in July 2022 signed the law "An Act Expanding Protections for Reproductive and Gender-Affirming Care." That Act, put forward by the ROE Coalition of Reproductive Equity Now, Planned Parenthood, and the ACLU and building on the advances of the previously passed ROE Act, anticipated the influx of pregnant people from abortion-banning states seeking care in Massachusetts and, crucially, protects abortion providers and patients from out-of-state lawsuits and extradition.

While many are confident that, with those Acts, Massachusetts is a "safe haven" for abortion and for gender-affirming care, even here we still have challenges from anti-abortion individuals and organizations, as well as a vocal and hostile population opposed to gender-affirming care. Municipalities have therefore been urged, if possible, to take local action affirming a local commitment to reproductive and gender-affirming care. The city of Salem, MA, has done so with a local ordinance, and this proposed by-law borrows from the Salem ordinance's language.

Petitioners believe the Town has a compelling governmental interest in promoting public health and protecting people seeking or providing reproductive health care services against harassment and legal penalties from states where such services have been curtailed, eliminated, and/or criminalized. We chose to express this with a by-law, instead of a non-binding and therefore weaker resolution, in order to have Brookline be unequivocal in its commitment to enforcing the state's safe haven provisions and also, crucially, to include language about the consequences of violations. Additionally, we see this act as a natural partner to Brookline's first-in-the-nation 2019 by-law ensuring free access to menstrual products, so this new proposed by-law puts these provisions together in a single by-law addressing reproductive and gender-related health care and equity of access, explicitly including transgender and gender-diverse communities. A stand-alone "safe haven" resolution would not accomplish those goals.

The new proposed by-law language incorporates comments from Town Counsel so that it conforms with the language in relevant Mass General Laws, in particular those referenced above. Petitioners have also relied substantially on Reproductive Equity Now's Action Tool-Kit, created to help municipalities like ours take productive, actionable steps to support competent, compassionate care for both patients and providers in our midst. We are confident, therefore, that it is very likely to pass muster with the Attorney General's office when it is reviewed.

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Warrant Article signature page:
Ensuring Brookline is a SAFE HAVEN for REPRODUCTIVE HEALTH CARE

to be considered at Brookline Annual Town Meeting 2023

SIGNATURES (Ten registered voters required)

The following registered Brookline voters support the attached submitted article.

	<u>SIGNATURE</u>	<u>PRINT NAME</u>	<u>ADDRESS</u>
1.		Kevin MacKenzie	19 Stoddamore Rd #3
2.		Robert Lepson	36 Thorndike St
3.		Naomi Sweitzer	14 Griggs Terr
4.		Elizabeth Neill	129 Saint Paul St.
5.		Andrew Shalit	14 Griggs Ter
6.		Carl Lebovitz	3 Bradford Terrace
7.		Catherine Michaels	3 Bradford Ter Apt 4
8.		Alexander Lebovitz	3 Bradford Terrace, Apt. 4
9.		Francine B. Perler	74 A Fuller ST
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Nine (9) Signatures

Linda B. Holbrook

Peggy McGuire

Andrew Shalit

EST. JUN 28, 1780
BROOKLINE, MASS.

Warrant Article signature page:
Ensuring Brookline is a SAFE HAVEN for REPRODUCTIVE HEALTH CARE

to be considered at Brookline Annual Town Meeting 2023

SIGNATURES (Ten registered voters required)

The following registered Brookline voters support the attached submitted article.

	<u>SIGNATURE</u>	<u>PRINT NAME</u>	<u>ADDRESS</u>
✓ 1.		Valerie K. Frias	26 Englewood Ave
✓ 2.		Andy Liu	61 Griggs Rd
✓ 3.		Kathryn Gray	8 Griggs Ter
✓ 4.		Kathy Kelly	72 Addington Rd
✓ 5.		Hsiumin Liu	55 Park St. #1B
✓ 6.		Nam-Suey Liu	55 Park St. unit 1B
✓ 7.		Miriam Aschkenasy	311 Dean Rd
✓ 8.		CHARLOTTE ADAMS GAENDE	7 Griggs Ter
✓ 9.		Gayle Robertson	6 Griggs Ter
✓ 10.		STEPHAN GAENDE	7 Griggs Terr.
✓ 11.		Laura M. Garber	20 Webster St #204
✓ 12.		Chi Chi Wu	14 Marion Ter
✓ 13.		Kimberly Cascarda	1601 Beacon St apt 203
14.		Linda B. Holbrough	
15.		Peggy McGuire	

Thirteen (13) Signatures

Linda B. Holbrough

Peggy McGuire

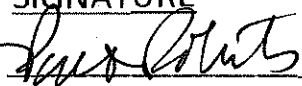

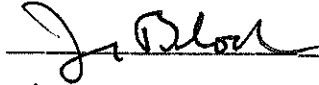

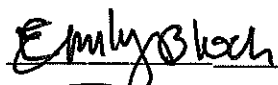
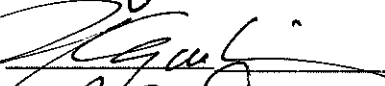




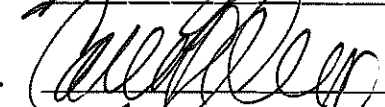
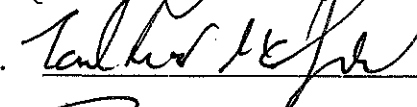

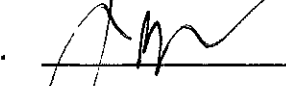
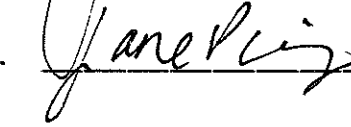
Andrew McDonald

Warrant Article signature page:
Ensuring Brookline is a SAFE HAVEN for REPRODUCTIVE HEALTH CARE

to be considered at Brookline Annual Town Meeting 2023

SIGNATURES (Ten registered voters required)

The following registered Brookline voters support the attached submitted article.

<u>SIGNATURE</u>	<u>PRINT NAME</u>	<u>ADDRESS</u>
1. 	Pamela L Roberts	47 Crowninshield Rd.
2. 	Scott McInturff	47 Crowninshield Rd.
3. 	JEREMY BLOCH	6 Gibbs St
4. 	Anne Greenwald	6 Gibbs St.
5. 	EMILY BLOCH	6 Gibbs St.
6. 	Yasuyo Iguchi	1494 Beacon St #3 70 Beards St.
7. 	Bennett Davies	33 Thorndike
8. 	SHILA FISCHER	76 Summit Ave
9. 	Michael Edelstein	66 Atterton Rd 2
10. 	Joshua Blauwolf	63 Summit Ave
11. 	Carey Goldberg	24 Williams St.
12. 	Mazal Talhur	90 Columbia St.
13. 	Thomas Scija	50 Stedman St.
14. 	Jennifer Khoury	90 Stedman St.
15. 	Jane Preay	5 Gill St

WARRANT ARTICLE
SIGNATURE PAGE

Warrant Article signature page:
Ensuring Brookline is a SAFE HAVEN for REPRODUCTIVE HEALTH CARE

to be considered at Brookline Annual Town Meeting 2023

SIGNATURES (Ten registered voters required)

The following registered Brookline voters support the attached submitted article.

	<u>SIGNATURE</u>	<u>PRINT NAME</u>	<u>ADDRESS</u>
1.		ARDEN REAMER	72 STEDMAN ST.
2.		Susan Park	27 James St.
3.		Kevin Taback	72 Stedman St.
4.		HANNAH MARGOLIS	24 STEDMAN ST.
5.		Michael Goldstein	24 Stedman St.
6.		DANIEL J. MARGOLIS	28 STEDMAN ST.
7.		Patricia MARGOLIS	28 Stedman
8.		Janet Rankin	135 Mason Terr #1
9.		BETH GILLIGAN	52 Wilkyn Rd #2
10.		K. Wergland	216 Winchester St
11.		John Schachter	216 Winchester St
12.		William McKim	494 Beacon St. #13
13.		Jesse Gray	8 Griggs Ter
14.		Elissa Yanover	27 Osborne Rd.
15.		Charles Honer	76 Beacon St #1
16.		Nancy S. Heller	40 Abbottsford Rd #8
17.		Carolyn Goodwin	47 Manchester Rd
18.		Brenda Hochberg	50 Crowninshield Rd
19.		Barbara Scott	46 Crowninshield Rd

Warrant Article Signature Page
Ensuring Brookline is a SAFE HAVEN for REPRODUCTIVE HEALTH CARE

Warrant Article signature page:
Ensuring Brookline is a SAFE HAVEN for REPRODUCTIVE HEALTH CARE

to be considered at Brookline Annual Town Meeting 2023

SIGNATURES (Ten registered voters required)

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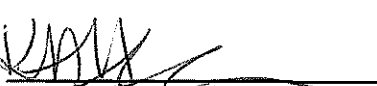



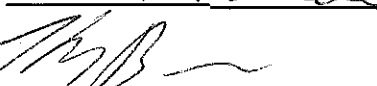
	<u>SIGNATURE</u>	<u>PRINT NAME</u>	<u>ADDRESS</u>
1.	<u>Janice S. Kahn</u>	Janice S. Kahn	63 Craftsland Rd.
2.	<u>Ira Krepelin</u>	IRA KREPCHELIN	63 Craftsland Rd.
3.	<u>Lynda E. Roseman</u>	LYNDA E. ROSEMAN	49 Ackers Ave
4.	<u>Edie Raskin</u>	EDIE RASKIN	53 Craftsland Rd.
5.	<u>Peter Chubinsky</u>	Peter Chubinsky	53 Craftsland Rd.
6.	<u>Mary Murphy</u>	Mary Murphy	42 Craftsland Rd.
7.	<u>Will Murphy</u>	Will Murphy	42 Craftsland Rd.
8.	<u>Marian Lazar</u>	MARIAN LAZAR	32 CRAFTSLAND RD
9.	<u>Marian Lazar</u>	MARIAN LAZAR	32 Craftsland Rd
10.	<u>Linda Butler</u>	LINDA BUTTOL	57 CRAFTSLAND RD.
11.	<u>Bambi Z. Good</u>	Bambi Z. Good	74 Craftsland Rd.
12.	<u>Elise Friedman</u>	Elise Friedman	27 Lyon Rd Chestnut Hill
13.	<u>Richard Nangle</u>	Richard Nangle	854 Hammond St.
14.	<u>Jane Flanagan</u>	Jane Flanagan	854 Hammond St Chestnut Hill
15.	<u>Susan Mark</u>	Susan Mark	50 Craftsland Rd Chestnut Hill
16.	<u>Rich Brubaker</u>	Rich Brubaker	50 Craftsland Rd Chestnut Hill

Warrant Article signature page:
Ensuring Brookline is a SAFE HAVEN for REPRODUCTIVE HEALTH CARE

to be considered at Brookline Annual Town Meeting 2023

SIGNATURES (Ten registered voters required)

The following registered Brookline voters support the attached submitted article.

	<u>SIGNATURE</u>	<u>PRINT NAME</u>	<u>ADDRESS</u>
1.		REBECCA STONE	71 TOKTETH ST.
2.		Kelly Hardebeck	18 LITTELL RD
3.		Edward Hardebeck	18 LITTELL RD
4.		Hannah J. Protzman	98 Francis ST
5.		ANNE TURNER	97 TOKTETH RD
6.		HARRY BOTTS	97 TOKTETH RD
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Submitted by:

Jonathan Davis, Town Meeting Member, Precinct 17
125 Park Street, Apt. 1, Brookline, MA 02446
Tel. 781/997-1600
Email: jdavis@kcl-law.com

Bruce Levin, Town Meeting Member, Precinct 17
20 Webster Street, Apt. 703, Brookline, MA 02446
Tel. 617/510-1850
Email: bdlesq@hotmail.com

Jonathan Margolis, Town Meeting Member, Precinct 7
49 Harvard Avenue, Apt. 4, Brookline, MA 02446
Tel. 617/738-5369
Email: jjmargolis@yahoo.com

To see if the Town will amend the Town General By-Laws by adding the following at the end of Part VIII as follows:

8.XX.1 As used in this Article 8.XX the term "Hotel" means a hotel as defined in the Zoning By-Law, section 2.08(5). The term "Hotel" also means a limited service hotel as defined in the Zoning By-Law, section 2.12(1). As used in this Article 8.XX, the term "sex trafficking" means commercial sex induced by force, fraud and/or coercion, and also means commercial sex by a minor for the financial benefit of another person, regardless of how induced. As used in this Article 8.XX, the term "Employee" means (a) any employee of the Innholder who works at least 16 hours in any week provided that such employee's principal work-site is the Hotel for which the license is issued and provided further that such employee's principal responsibilities involve physical presence with Hotel guests and/or physical presence in Hotel guest rooms, (b) any employee of a third party, which employee, if employed by the Innholder, would be described in (a), above, and (c) any individual who is an independent contractor who, if the individual were employed by the Innholder, would be described in (a), above.

8.XX.2 The Innholder of a Hotel shall provide each of its Employees as hereabove defined with training to identify signs of possible sex trafficking in the Hotel and how to respond appropriately when such signs are observed. Such training shall be provided by a reputable anti-human trafficking entity, whether an agency of the

Commonwealth of Massachusetts or of the United States, a not-for-profit organization, or a for profit entity (including, by way of example and not as limitation, a national hotel brand). Training shall not be at any cost, expense, or reduction in wages or other compensation to any Employee. In the case of an Innholder that, at the time of a license application, already holds an in-force license for the same Hotel, which license was issued after enactment of this Article 8.XX, the Innholder shall provide the Select Board or its designee with a true and complete list of all Employees as hereabove defined who received the training since the issue of the current license and the job titles or job descriptions of such Employees, the identity of the training agency, organization or entity, a brief description of the training, the date or dates of such training, and, also, a true and complete list of all Employees as hereabove defined, and their job titles or job descriptions, who did not receive the training.

8.XX.3 Each Innholder shall cause anti-sex trafficking notices to be prominently posted and continually maintained in its Hotel in all locations where Employees are typically present but where the Hotel discourages or prohibits guests from entering – for example, staff locker rooms, staff lounges, staff snack rooms, staff lavatories, Hotel linen laundries, administrative offices, and supply rooms. The notices may be such as are provided by an anti-human trafficking agency, organization or entity that provides training as set forth in 8.XX.2, whether or not the agency, organization or entity has provided training to the Employees. Each Innholder shall provide the Select Board and the Police Department with a true copy of the notice or notices to be posted and a list of all locations where such posting occurs. The Police Department may, at any reasonable time when the Hotel is open for business, enter the Hotel to examine the posting and maintenance of such notices and shall report concerns about insufficient posting and maintenance to the Innholder and to the Select Board or its designee .

8.XX.4 In the case of an Innholder that, at the time of a license application, already holds an in-force license for the same Hotel, which in-force license was issued after enactment of this Article 8.XX, the Innholder shall provide the Select Board or its designee with a true and complete report of when Employees are required to physically enter guest rooms other than to render service requested by a room occupant, and when Employees are required to look into guest rooms from an open doorway other than to respond to a request by a room occupant.

8.XX.5 This Article 8.XX shall take effect upon enactment.

8.XX.6(a) No provision of this By-Law shall apply where prohibited or preempted by state or federal law.

(b) If any provision of this By-Law, or the application thereof to any person or circumstances, is declared invalid, that invalidity shall not affect other provisions or applications of this By-Law which can be given effect without the invalid provisions or applications, and to this end the provisions of this By-Law are severable.

Or act on anything relative thereto.

Petitioners' Article Description

Human trafficking in hotels, most often sex trafficking, is an international problem, and the United States is not immune. The U.S. Department of Homeland Security has an initiative to counter sex trafficking in the hotel industry (called "Blue Campaign"), as do the American Hotel and Lodging Association, several non-profits (e.g. ECPAT (End Child Prostitution and Trafficking)-USA, and the Polaris Project), and some hotel chains.

Several brochures about the problem, and combating it, are attached.

States (including Massachusetts) have criminal laws against sex trafficking and also have civil laws that permit victims to recover monetary damages. The Massachusetts Attorney General's office has a human trafficking division where suspected human trafficking can be reported.

Nevertheless, sex trafficking in hotels often goes unnoticed and is not prosecuted, commonly because hotel staff and management are unaware of the signs of possible sex trafficking.

Under the Article an Innholder for a hotel must provide training for certain kinds of workers ("Employees") at the hotel in identifying signs of sex trafficking and responding appropriately to the signs – these are workers who have worked at least 16 hours in any week, whose principal work-site is the hotel and whose principal responsibilities involve physical presence with hotel guests and/or physical presence in guest rooms. It is up to the Innholder to decide upon and engage the training entity, which must be a reputable anti-human trafficking entity as more

detailed in the text of the Article. Where an applicant for an Innholder license already holds an Innholder license for the same hotel and the existing license was issued after enactment of the Article (in other words, where the applicant is seeking renewal of a license issued after enactment of the Article), the applicant must provide the Select Board or its designee with a report naming the entity providing the training, the dates of the training, a brief description of the training, a list of the workers and their job descriptions or job titles required to be trained during the existing license period who were trained, and the workers and their job descriptions or job titles required to be trained who were not. It is up to the Select Board to determine what, if anything, to do with this information in considering the application for renewal of the existing Innholder license, and the Select Board may take such action as it thinks advisable. In effect, an Innholder's license renewal is at risk if the Innholder licensee does not comply with the Article. Because the required reporting can only occur when a licensee already holds a license that was issued after the Article was enacted and the licensee is essentially applying for renewal of the existing license the licensee has a year before applying for renewal to provide the required training and to acquire the information needed to make the required report to the Select Board or its designee.

The petitioners have been told that all licensed hotels in Brookline currently require or will require staff training to a greater or lesser extent. But, there is no legal requirement – statewide or local – that requires training. Currently, an applicant for a new Innholder license may decide not to provide training; and the holder of an existing license may decide to discontinue training. It's a business decision.

Some of Brookline's hotels are required by their "flag" – that is, the brand under which they operate (for example, Hilton or Marriott) – to provide training. However, whether or not to operate under a flag is a business decision for an Innholder licensee; and there is no legal requirement that a flag, itself, require training.

The Article also requires hotels to post prominently and maintain anti-sex-trafficking notices in places not usually open to hotel guests. The notices may be such as are provided by anti-sex-trafficking entities that provide training (including entities that don't provide training to the particular hotel that posts them). The notices are required to be posted in what the hotel industry calls "back of the house" – places where staff is present but Hotel guests are discouraged or prohibited from entering (for example, staff locker rooms, staff lounges, staff snack rooms, staff lavatories, Hotel linen laundries, administrative offices, and

supply rooms). The reason for the notices is to remind staff of the problem and of their training. The Innholder must provide the Select Board or its designee and the Police Department with true copies of the notices to be posted and their locations. The Police Department may enter hotels at reasonable times during hotel business hours to examine posting and maintenance of required notices and must report its concerns about insufficient posting and maintenance to the Innholder licensee and to the Select Board or its designee. In the case of this requirement, Police Department reporting is not dependent on whether the existing Innholder license was issued after the enactment of the Article or whether the existing Innholder is applying for license renewal because posting and maintaining notices should not take a year to learn and it can be quickly performed and deficiencies can be quickly remedied. **Currently, there is no legal requirement that a hotel post informational reminders for staff about hotel sex-trafficking, even "back of the house". It's a business decision.**

Training hotel workers will be of limited effectiveness if they cannot observe the condition of guest rooms. Some "flags" require frequent staff entry or, at least observation, of guest rooms (for example, after two or three days). But, apart from "flag" requirements, hotels may not require observation at all, or require observation only after many days and nights – it's a business decision. The Article requires that the holder of an Innholder license issued after enactment of the Article who is applying for a license (in effect seeking a license renewal) provide the Select Board or its designee with a report of when "Employees" (as defined in the Article) are required to physically enter guest rooms (other than when providing occupant-requested service) or observe guest rooms from open guest room doorways (other than when responding to occupant requests). It is up to the Select Board to determine what, if anything, to do with this information in considering the application for renewal of the existing Innholder license. If it appears to the Select Board that a particular hotel is an outlier among its peers in not requiring staff entry or observation (or in requiring infrequent staff entry or observation), or does not follow best practices, the Select Board may take such action as it thinks advisable.

These requirements are intended to try to prevent sex trafficking, and to contribute positively to public safety, public health, and the preservation of human rights and human dignity.

To petitioners' knowledge there is no similar law in Massachusetts - either at the state level or the municipal level. Bills requiring training were introduced in the 2019-2020 and the 2021-2022 legislative sessions but were not enacted.

For an ECPAT-USA survey by state and municipality of anti-sex-trafficking laws with respect to the hospitality industry google:
Unpacking+Human+Trafficking+Vol+4.2022.pdf

[Note – while the Warrant was open Volume 5 of the survey, the 2023 edition, had not yet been published.]

Who We Are

The Blue Campaign is the unified voice for the U.S. Department of Homeland Security's (DHS) efforts to combat human trafficking. Working with law enforcement, government, and non-governmental and private organizations, the Blue Campaign strives to protect the basic right of freedom and bring those who exploit human lives to justice.

What's Inside?

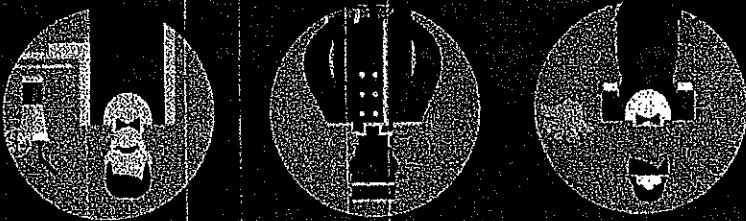
This toolkit offers tips and resources that can help you inform and educate your employees about human trafficking. It includes posters of human trafficking warning signs for four groups of employee:

- Hotel and Motel Staff
- Housekeeping, Maintenance and Room Staff
- Concierge, Bellman, Front Desk, Security and Valet Staff
- Food and Beverage Staff

These posters can be displayed in common areas of your business where employees congregate (such as staff break, laundry and maintenance rooms).

HOSPITALITY

TOOLKIT



BLUE CAMPAIGN

One Voice. One Mission. End Human Trafficking.

What is Human Trafficking?

Human trafficking is modern-day slavery and involves the use of force, fraud or coercion to obtain labor or commercial sex. Every year, millions of men, women and children are trafficked in countries around the world, including the United States.

There are different types of human trafficking:

- **Sex Trafficking**
Victims of sex trafficking are manipulated or forced to engage in sex acts for someone else's commercial gain. Sex trafficking is not prostitution.
Anyone under the age of 18 engaging in commercial sex is considered to be a victim of human trafficking. No exceptions.
- **Forced Labor**
Victims of forced labor are compelled to work for little or no pay, often manufacturing or growing the products we use and consume every day.
- **Domestic Servitude**
Victims of domestic servitude are forced to work in isolation and are hidden in plain sight as nannies, housekeepers or domestic help.

Human trafficking and the hospitality industry

Traffickers often take advantage of the privacy and anonymity offered by the hospitality industry. They can operate discreetly because staff and guests may not know the signs of human trafficking. You may have employees who are victims of forced labor. If a third party applied for a position on behalf of an individual or if employees are not receiving their own paychecks, these could be signs of human trafficking. Hotels and motels are also major locations where traffickers force sex trafficking victims to provide commercial sex to paying customers. Victims may be forced to stay at a hotel or motel where customers come to them, or they are required to go to rooms rented out by the customers.

What actions can I take at my business to help stop human trafficking?

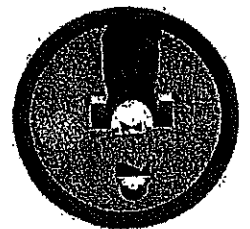
You play a significant role in helping to stop this terrible crime by:

- Knowing the signs of human trafficking.
- Designing a plan of action to respond to reports of human trafficking in your business.
- Partnering with agencies that provide services to victims of human trafficking. In the case of lodging, consider offering vouchers to victims. Immediate housing for victims plays a vital role in beginning a victim's healing process.
- Providing employee training to help them understand and identify signs of human trafficking.
- Distributing and posting the fact sheets in this kit to your employees.

Information on additional resources, literature, materials, and training offered by the Blue Campaign can be found at www.dhs.gov/bluecampaign.

SIGNS OF HUMAN TRAFFICKING

For Housekeeping, Maintenance, and Room Service Staff



Housekeeping, maintenance, and room service staff typically have the most access to guest rooms where signs of human trafficking may be apparent. By being conscious of human trafficking indicators, you can help identify possible human trafficking activities and victims.

GENERAL INDICATORS

- "Do Not Disturb" sign used constantly.
- Requests room or housekeeping services (additional towels, new linens, etc.), but denies hotel/motel staff entry into room.
- Refusal of cleaning services for multiple days.
- Excessive amounts of cash in a room.
- Smell of bodily fluids and musk.
- Presence of multiple computers, cell phones, pagers, credit card swipes, or other technology.
- The same person reserving multiple rooms.
- Individuals leaving room infrequently, not at all, or at odd hours.
- Children's items or clothing are present but no child registered with the room.
- Individuals loitering in hallways or appearing to monitor the area.
- Excessive amounts of alcohol or illegal drugs in rooms.
- Evidence of pornography.
- Minors left alone in room for long periods of time.
- Excessive number of people staying in a room.
- Extended stay with few or no personal possessions.
- Provocative clothing and shoes.
- Constant flow of men into a room at all hours.
- Excessive amounts of sex paraphernalia in rooms (condoms, lubricant, lotion, etc.).
- Rooms stocked with merchandise, luggage, mail packages, and purses/wallets with different names.

Each indicator alone may not necessarily mean a person is being trafficked.

WHAT TO DO IF YOU SUSPECT HUMAN TRAFFICKING

- ❌ Do not at any time attempt to confront a suspected trafficker directly or alert a victim to your suspicions.
- ❶ Call 9-1-1 for emergency situations—threats of violence, physical assault, emergency medical needs, etc.
- ❷ Follow your corporate protocol, such as by notifying management and security.
- ❸ Call 1-866-DH5-2-ICE (1-866-347-2423) to report suspicious criminal activity to federal law enforcement. Highly trained specialists take reports from both the public and law enforcement agencies. Submit a tip at www.ice.dhs.gov/tips.
- ❹ To get help from the National Human Trafficking Resource Center (NHTRC), call 1-888-373-7888 or text HELP or INFO to Befree (233733).

www.dhs.gov/bluecampaign

SIGNS OF HUMAN TRAFFICKING

For Concierge, Bellman, Front Desk, Security, and Valet Staff

Concierge, bellman, front desk, security, and valet staff are typically the first to see guests when they enter the hotel. When checking in or requesting hotel amenities, a guest may exhibit behavior indicating human trafficking.

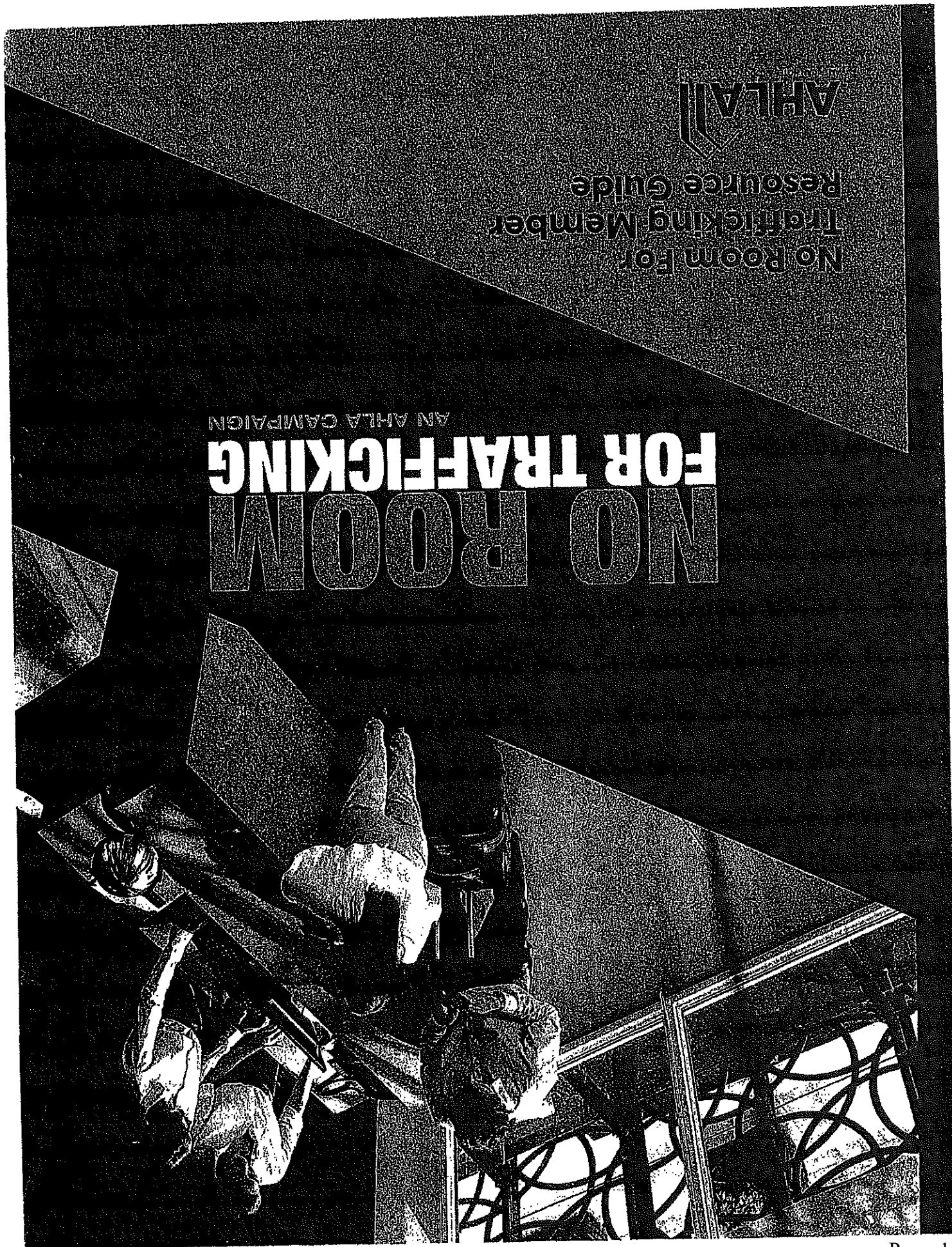
GENERAL INDICATORS

- Patrons checking into room appear distressed or injured.
 - The same person reserving multiple rooms.
 - Few or no personal items when checking in.
 - Room paid for with cash or pre-loaded credit card.
 - Excessive use of hotel computers for adult oriented or sexually explicit websites.
 - Patrons not forthcoming about full names, home address or vehicle information when registering.
 - Minor taking on adult roles or behaving older than actual age (paying bills, requesting services).
 - Patron appears with a minor that he or she did not come with originally.
 - Rentals of pornography when children are staying in the room.
 - Individuals dropped off at the hotel or visit repeatedly over a period of time.
- Individuals leaving room infrequently, not at all, or at odd hours.
 - Minor with a patron late night or during school hours (and not on vacation).
 - Individuals checking into room have no identification.
 - Room is rented hourly, less than a day, or for long term stay that does not appear normal.
 - Patrons request information or access to adult services or sex industry.
 - Room rented has fewer beds than patrons.
 - Individuals selling items to or begging from patrons or staff.
 - Individuals enter/exit through the side or rear entrances, instead of the lobby.
 - Car in parking lot regularly parked backward, so the license plate is not visible.

Each indicator alone may not necessarily mean a person is being trafficked.

WHAT TO DO IF YOU SUSPECT HUMAN TRAFFICKING

- ❌ Do not at any time attempt to confront a suspected trafficker directly or alert a victim to your suspicions.
- i Call 9-1-1 for emergency situations—threats of violence, physical assault, emergency medical needs, etc.
- 👤 Follow your corporate protocol, such as by notifying management and security.
- 📞 Call 1-866-DHS-2-ICE (1-866-347-2423) to report suspicious criminal activity to federal law enforcement. Highly trained specialists take reports from both the public and law enforcement agencies. Submit a tip at www.ice.dhs.gov/tips.
- 📞 To get help from the National Human Trafficking Resource Center (NHTRC), call 1-888-373-7888 or text HELP or INFO to BeFree (233733).



NO ROOM FOR TRAFFICKING

AN AHLA CAMPAIGN

No Room For
Trafficking Member
Resource Guide



NO ROOM FOR TRAFFICKING MEMBER RESOURCE GUIDE

The American Hotel and Lodging Association's (AHLA) No Room for Trafficking campaign builds on long-standing efforts to raise awareness around human trafficking prevention, identify best practices and provide educational resources, and train employees on ways they can play a role in preventing human trafficking.

Combating human trafficking requires commitment and engagement by the entire hotel industry. This resource guide outlines several available tools and resources to train your employees to comply with applicable state laws. The resource guide also provides opportunities for you to take action and join us in raising awareness about human trafficking prevention.

The No Room for Trafficking campaign seeks to bring the hotel industry together to further build upon our unified efforts through four key goals:

- 1 Elevate: Raise issue awareness by fostering an ongoing and up-to-date understanding of human trafficking indicators through increased education, resources and training for all hotel employees.
- 2 Assess: Conduct ongoing reviews and updates of protocols, procedures and technologies to confirm training effectiveness and employee vigilance.
- 3 Educate: Develop strategic intervention and disruption strategies that equip hotel employees with innovative tools to work alongside partners and law enforcement to identify and report suspected trafficking situations.
- 4 Support: Further our partnerships with leading national human trafficking prevention and law enforcement organizations to establish industry standards and support human trafficking survivors.

**NO ROOM
FOR TRAFFICKING**
AN AHLA CAMPAIGN

As part of the hotel industry's continued efforts to end human trafficking, AHLA launched the No Room for Trafficking campaign to expand on current training and efforts to educate employees on the signs and indicators of human trafficking.

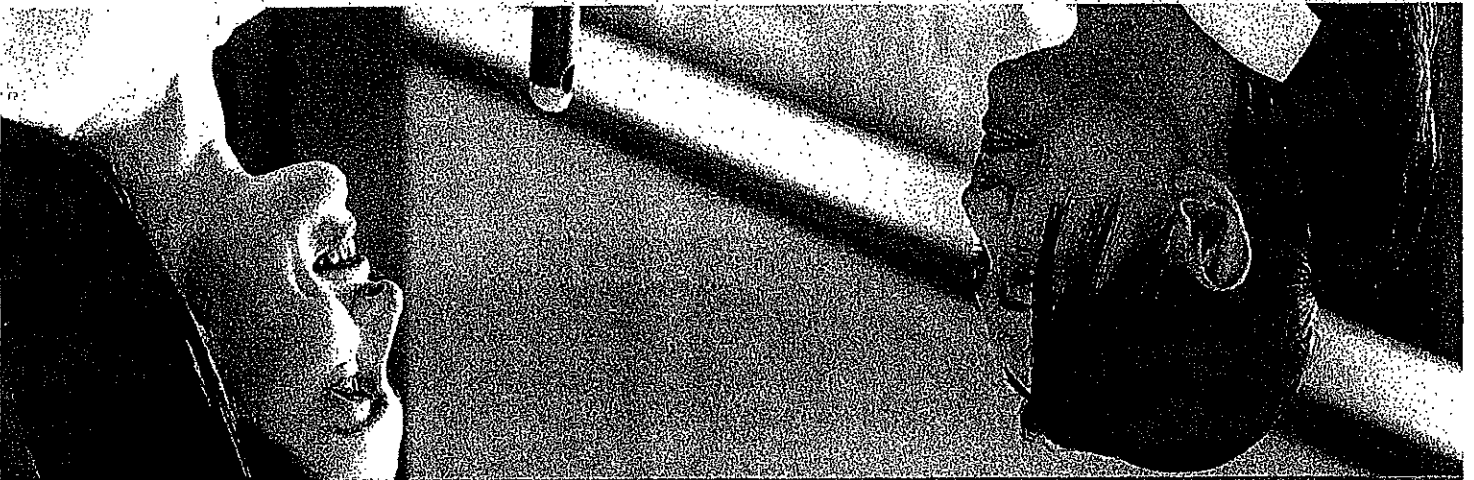
For additional information, please visit AHLA.com/NoRoomForTrafficking

- ▶ To customize the training for your hotel or brand, visit AHLA.org/program/human-trafficking.
- ▶ For additional training programs, visit Polaris, ECPAT-USA and BEST.

Your Role In Preventing Human Trafficking: The American Hotel and Lodging Educational Institute's long-standing online training program, available through AHLEI by the AHLA partnership with Marriott International, ECPAT-USA and Polaris, addresses the issue of human trafficking and discusses the intersections between human trafficking and the hospitality industry. The training is available in 17 languages to ensure that global hospitality organizations can share this important program as widely as possible.

Hotel employees who have undergone training are more aware of trafficking when it happens – and are more willing to report it – than those who have not been trained. That is why hotels across the country are continuously expanding training tools and resources to ensure employees remain vigilant and have a deep understanding of the most up-to-date indicators to spot human trafficking.

1. Training Staff On What To Look For & How To Respond



ACTION PLAN

With research, industry and government leaders, AHLA has created industry and government leaders' action plan in partnership with our partners, Polaris and ECPAT-USA, with the following five components:

1. Training staff on what to look for and how to respond
2. Displaying human trafficking indicators signs
3. Establishing company-wide policy
4. Creating coalition with law enforcement
5. Submitting reports and best practices

To address industry recommendations from partners click here: AHLA.org/program/human-trafficking. For additional tools apply resources, Polaris is a leading, global hospitality resource.

The following registered Brookline voters hereby petition to place on the Warrant for the May 2023 Annual Town Meeting the attached Article to amend Article 8 of the Town General By-Laws by adding thereto Section 8.40 relating to trying to deter sex trafficking in hotels:

Full Name (sign and print) Address Precinct

Gayle M. Logan

65 State St

Robert Freeman

109 Cambridge St

Frederick E. Levine

60 Martin St

Harley Newman

189 Rausin Rd #2

MA RUD WILSON

136 Coolidge St

Paul J. Burt
David I. Boudouff
Deborah Boudouff
Deborah Boudouff
Deborah Boudouff

8 Fairbanks St

8 Fairbanks St

Isaac Ehrenberg

79-1 Gibbs St

Zoe Blecher

97 Somerset Rd

Robert Sundel
Gloria And

252 Mason Terrace

Richard Weinstein

30 Gibbs St, #5

Paul Luft

26 Stetson St

David Williams
David E. Williams

Daniel Williams
Daniel Williams

88 Stedman St

Full Name (sign and print)	Address	Precinct
Mary A Hubert	114 #1 Rock St Bldg	10
Mary F. Lifest		
Kirk m Davis	125 Rock St #1	17
Linda M Davis		
Kind		

Brookline Ranked Choice Voting Warrant Article

To see if the Town will authorize the Select Board to petition the General Court for a special act providing for the use of ranked choice voting in Brookline municipal elections, in the following form, and authorize the General Court to make any revisions that are necessary or appropriate to the form of such bill.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

"AN ACT RELATIVE TO RANKED CHOICE VOTING IN THE TOWN OF BROOKLINE"

SECTION 1. RANKED CHOICE VOTING

(a) For the purposes of this section, the following terms shall have the following meanings, unless the context clearly requires otherwise:

"Batch elimination" is the simultaneous defeat of multiple candidates for whom it is mathematically impossible to be elected.

"Concluded ballot," a ballot that does not rank any continuing candidate or contains an overvote at the highest-ranked continuing candidate, or contains 2 or more sequential skipped rankings before its highest-ranked continuing candidate.

"Continuing candidate," a candidate who has not been defeated or elected.

"Election threshold," the number of votes sufficient for a candidate to be elected in a multi-seat election. It is calculated by dividing the total number of votes counting for continuing candidates in the first round by the sum of the number of seats to be elected and 1, disregarding any fractions, and then adding 1.

"Highest-ranked continuing candidate," the continuing candidate with the highest ranking on a voter's ballot.

"Last-place candidate," (i) the candidate with the lowest vote total in a round of the ranked-choice voting tabulation; or (ii) a candidate that is defeated in batch elimination.

"Overvote," a circumstance in which a voter ranks more than 1 candidate at the same ranking.

"Plurality voting," the voting system in which the candidate receiving the most votes is declared the winner, even if such candidate does not receive a majority of the votes cast in the election.

"Ranked choice voting," a method of casting and tabulating ballots in which voters rank candidates for office in order of preference.

"Ranking" means the number assigned on a ballot by a voter to a candidate to express the voter's preference for that candidate. Ranking number 1 shall be the highest ranking, ranking number 2 shall be the next-highest ranking, and so on.

8.A.

"Skipped ranking", a circumstance in which a voter does not use a ranking and ranks a candidate with a subsequent ranking.

"Surplus fraction," the number equal to the difference between an elected candidate's vote total and the election threshold, divided by the candidate's vote total.

"Transfer value," the proportion of a vote that a ballot will count to its highest-ranked continuing candidate. Each ballot shall begin with a transfer value of 1. If a ballot counts to the election of a candidate under subsection (d)(1), it receives a lower transfer value.

(b) All town-wide offices and Town Meeting Members shall be elected by ranked choice voting at the annual election, and in any special election called pursuant to MGL Chapter 41 Section 10.

Ranked choice voting shall apply to a single-seat office only when the number of candidates exceeds 2 and to a multi-seat office only when the number of candidates exceeds the number of seats to be elected. Plurality voting should be used when ranked choice voting cannot be conducted.

(c) In any single-seat election, each round shall begin by counting the number of votes for each continuing candidate. Each ballot shall count as 1 vote for its highest-ranked continuing candidate. Concluded ballots shall not be counted for any continuing candidate. Each round shall proceed sequentially as follows:

(1) If there are 2 continuing candidates, the candidate with the most votes shall be elected, and tabulation shall be complete.

(2) Otherwise, the last-place candidate shall be defeated, or the last-place candidates shall be defeated in batch elimination, and a new round shall begin.

(d) In any multi-seat election, each round shall begin by counting the number of votes for each continuing candidate. Each ballot shall count, at its current transfer value, for its highest-ranked continuing candidate. Concluded ballots shall not count for any continuing candidate. In the first round only, the election threshold shall then be calculated. Each round shall proceed sequentially as follows:

(1) If the sum of the number of elected candidates and continuing candidates is equal to the number of seats to be filled, then all continuing candidates shall be elected, and tabulation shall be complete.

(2) If at least 1 continuing candidate has more votes than the election threshold, then all such candidates shall be elected. If the number of elected candidates is equal to the number of seats to be filled, then tabulation shall be complete. Otherwise, each ballot counting for an elected candidate shall be assigned a new transfer value by multiplying the ballot's current transfer value by the surplus fraction for the candidate. Each elected candidate shall be deemed to have a number of votes equal to the election threshold in all future rounds, and a new round shall begin.

(2) Otherwise, the last-place candidate shall be defeated, or the last-place candidates shall be defeated in batch elimination, and a new round shall begin.

(e) Batch elimination shall apply to the largest possible group of continuing candidates such that the sum of the votes of candidates in the group is less than the individual number of votes of every continuing candidate not in the group, and provided that the number of continuing candidates not in

8.A.

- a) To the extent possible, a ranked choice voting ballot shall allow voters to rank as many choices as there are candidates. If the voting equipment is unable to reasonably accommodate a number of rankings on the ballot equal to the number of candidates, the Board of Registrars of Voters may limit the number of choices a voter may rank to the maximum number allowed by the voting equipment. A ranked choice voting ballot shall not interfere with a voter's ability to rank at least 1 write-in candidate.
- b) The ballot must indicate the number of seats to be filled for each contest.
- c) For each election where Ranked Choice Voting is used and the number of candidates exceeds two, the Board of Registrars shall randomly draw lots prior to the printing of ballots so as to determine the order in which the names of candidates shall appear on the ballot. To the name of a candidate for Town office who is an elected incumbent thereof shall be added the words 'Candidate for Reelection'.
- d) The ballot must comply with all otherwise applicable provisions of the General Laws and the regulations promulgated thereunder.

SECTION 3. If any part of this Act is declared unconstitutional by a court of competent jurisdiction, the remaining parts shall survive in full force and effect. If a conflict arises between this Act and any other provision of law, the policies and purposes of this Act shall govern.

SECTION 4. This act shall take effect upon the acceptance by the Town of Brookline by the affirmative vote of a majority of voters at any regular or special election at which the question of acceptance is placed on the ballot.

Or act on anything relative thereto.

8.A.

the group is at least 1 more than the remaining number of positions to elect.

(f) The Town Clerk, subject to approval by the Board of Registrars, will establish a method of tiebreaking that will be used if 2 or more last-place candidates are tied and batch elimination does not apply. The results of any such tiebreaking events must be recorded and reused in the event of a recount. The method for tiebreaking may be amended from time to time, but shall not be amended during the course of an election, including any and all recounts.

(g) When a skipped ranking or repeat candidate ranking is encountered on a ballot, that vote shall count towards the highest continuing ranking. In the case of an overvote involving two or more continuing candidates, the overvote candidates and all subsequently ranked candidates will be disregarded. If any vote cannot be advanced because no further continuing candidates are ranked on that ballot, that ballot shall be declared concluded for that contest.

(h) As used in section 4 of chapter 43A, the "order of votes received" by candidates in a ranked choice voting election shall mean the order in which candidates are elected. If multiple candidates are elected in the same round, the respective order of elected candidates in that round shall mean the order of votes received by those candidates at the end of the round.

(i) The Town Clerk, subject to approval by the Board of Registrars, may make any changes to the ranked choice voting ballot and tabulation process necessary to ensure the integrity and smooth functioning of the election, provided that ranked choice voting shall still be used and the fewest number of changes are made to achieve such purpose.

(j) In any election conducted using Ranked-Choice Voting, as may be authorized by the State, the Town Clerk shall publish election results that show the tabulations by rounds, along with any additional information that may be required by the Town bylaws.

(k) The Town Clerk shall provide educational materials to voters in accordance with any applicable Town bylaws.

(l) Not sooner than four years after acceptance of this section, a proposal to discontinue the use of Ranked Choice Voting may be put on the Warrant for Town Meeting by a petition signed by at least ten registered voters of Brookline. In the alternative, not sooner than four years after acceptance of this section, the question may be so placed on said ballot when a petition signed by at least ten per cent of the registered voters of Brookline requesting such action is filed with the registrars, who shall have seven days after receipt of such a petition to certify the signatures. Upon passage in Town Meeting or upon certification of the signatures, the Town Clerk shall cause the question to be placed on the ballot at the next regular municipal election held more than thirty-five days after such passage or certification. Upon the defeat by the voters of the above described ballot question, another proposal to discontinue the use of Ranked Choice Voting may not be placed on the ballot for four years thereafter. Not sooner than four years after a successful vote to discontinue the use of Ranked Choice Voting, the procedures in the paragraph above may be used to resume the use of Ranked Choice Voting.

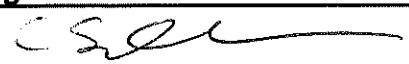


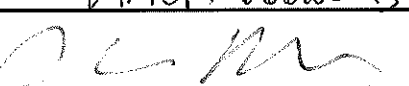

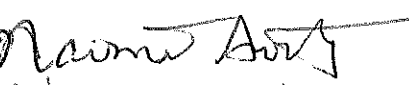
SECTION 2.

Notwithstanding the provisions of applicable provisions of chapters 53 and 54 of the general laws, Ranked-choice voting ballots for use in the Town of Brookline municipal elections shall be prepared according to a format meeting the below requirements and otherwise consistent with state law.

RCV

To the Town of Brookline Select Board:

I, as **Petitioner: C. Scott Ananian, 103 Griggs Rd, Precinct 10 brookline@cscott.net** on behalf of the **Ranked Choice Voting Study Committee** respectfully request that the foregoing warrant article be inserted in the Warrant for the Annual Town Meeting to be held in May 2023:

Signature:	Address:	Precinct:
1.  C. SCOTT ANANIAN	103 GRIGGS RD	10
2.  JESSICA WONG	103 GRIGGS RD	10
3.  Ariel Maddocks	64 Griggs Rd	10
4.  Chris Maddocks	64 Griggs Rd	10
5.  Jennifer G. Smith	148 Jordan Rd	11
6.  Naomi Switzer	14 Griggs Terr	10
7.		
8.		
9.		
10.		

I/We certify that the above signatures are those of registered voters in the Town of Brookline.

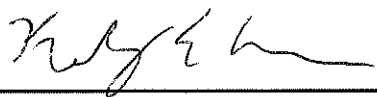

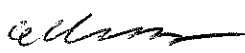


(**Requirement of at least 10 Town of Brookline Registered Voters)

8.A.

To the Town of Brookline Select Board:

617 233 1238

I, as **Petitioner: C. Scott Ananian, 103 Griggs Rd, Precinct 10 brookline@cscott.net** on behalf of the **Ranked Choice Voting Study Committee** respectfully request that the foregoing warrant article be inserted in the Warrant for the Annual Town Meeting to be held in May 2023:

Signature:	Address:	Precinct:
1. Kim Loscalzo 	1601 Beacon St 203	10
2. Jesse Gray 	8 Griggs Ter	10
3. Alex Loscalzo 	1601 Beacon St. 203	10
4. JARED MAYERS 	89 WINTHROP RD #3	12
5. David Sheklovitz 	26 Summit Ave # 5	
6.		
7.		
8.		
9.		
10.		

I/We certify that the above signatures are those of registered voters in the Town of Brookline.

(**Requirement of at least 10 Town of Brookline Registered Voters)

ARTICLE X

Petitioner: Donelle S. O'Neal Sr., TMM4/AC, donelle617@gmail.com 857-243-3602

To see if the Town will adopt the following:

RESOLUTION PERTAINING TO THE ADOPTION OF AN IN-CAR VIDEO AND BODY WORN CAMERA POLICY FOR THE BROOKLINE POLICE DEPARTMENT.

WHEREAS, In-Car Video ("ICV") and Body Worn Cameras ("BWC") are considered to be effective law enforcement tools that reinforce the public's perception of police professionalism and preserve factual representations of officer-civilian interactions; and

WHEREAS, ICV and BWC may be useful in documenting crime and accident scenes or other events that include the confiscation and documentation of incidental evidence or contraband; and

WHEREAS, ICV and BWC are expected to enhance the Police Department's ability to document and review statements and events during the course of an incident, and preserve video and audio information and evidence for investigative and prosecutorial purposes; and

WHEREAS, although ICV and BWC recordings may provide only a limited perspective of encounters and incidents, and thus should be considered with all other available evidence, such as witnesses' statements, officer interviews, forensic analysis, and documentary evidence, studies have shown that ICV and BWC are a contributing factor in reducing complaints against police officers, increasing police accountability, and enhancing the public trust; and

WHEREAS, the policy of the Brookline Police Department is to respect the legitimate privacy interests of all persons in Brookline, while ensuring professionalism in its workforce, and therefore, Brookline Police Officers should only use ICV and BWC within the context of existing and applicable federal, state, and local laws, regulations, and the Department's rules and policies;

NOW THEREFORE, be it resolved, that Town Meeting requests the Select Board, along with the Town Administrator and Human Resources Director or their designees, to work promptly, constructively, and collaboratively with the appropriate members of the Brookline Police Department to adopt a policy pertaining to the use of ICV and BWC by Brookline Police Officers, and that the use of such equipment be implemented as soon as practicable. Be it further resolved that funding for the purchase, maintenance, and storage of ICV, BWC and recordings from such equipment be included in the Brookline Police Department Fiscal Year 2023-2024 Budget.

Or act on anything relative thereto.

EXPLANATION

This is not just a local issue. This is part of the discussion on all three levels and is currently being addressed locally, statewide and nationally.

This Article calls for the expedient development and adoption of a policy pertaining to the use of In-Car Video and Body-Worn Cameras by Brookline Police Officers and the implementation of such equipment in the Brookline Police Department. Which is needed and wanted by our Brookline Police Department. The current tension in regards to Police and Citizen interactions across our nation makes it imperative that we “Boost Transparency” and Accountability within the Police Department and Community.

SIGNATURES (Ten registered voters required)

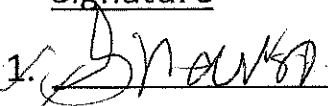
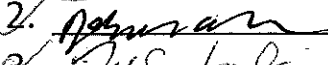
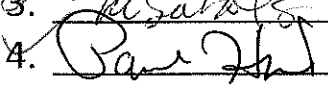

The following registered Brookline voters support the attached submitted article.

<u>SIGNATURE</u>	<u>PRINT NAME</u>	<u>ADDRESS</u>
1. <i>[Signature]</i>	Pedro J. Gomes	64 Village Way N
2. <i>[Signature]</i>	Rebecca Gomes	64 Village Way N
3. <i>[Signature]</i>	KAYMBA D O'NEAL	68 Village Way ✓
4. <i>[Signature]</i>	Donelle S. O'Neal Sr.	68 Village Way ✓
5. <i>[Signature]</i>	Priscilla Aguiar	32 Juniper St ✓
6. <i>[Signature]</i>	Donnell Dias	8 Roberts Street ✓
7. <i>[Signature]</i>	Farisa Jimenez	6 Olmsted Rd #204 ✓
8. <i>[Signature]</i>	Jonathan Lau	52 Loveland Rd ✓
9. <i>[Signature]</i>	ANTON ROZENVAJN	99 Kent St #212N
10. <i>[Signature]</i>	Alexa DePalma	1163 Beacon St, #3 ✓
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Warrant Article signature page

SIGNATURES (Ten registered voters required)

The following registered Brookline voters support the attached submitted article.

<u>Signature</u>	<u>Print Name</u>	<u>Address</u>
1. 	Thomas M. Dickerson	22 High St Apt 36
2. 	Mary Sabolsi	66 Village Way town house
3. 	Paul Hsieh	115 Walnut St, #3
4. 	Paul Hsieh	115 Walnut St #3
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Neil Gordon

8.A neilengordon.com
508 265 1362

28 MAR 2024

ARTICLE ____

RESOLUTION SEEKING TO OFFER TOWN MEETING OPTIONS FOR COMPLYING
WITH THE MBTA COMMUNITIES ACT

(Submitted by: Neil Gordon; Richard Benka; John Doggett; Jane Gilman; Nancy Heller;
Jonathan Margolis; Linda Olson Pehlke; Marty Rosenthal)

To see if the Town will adopt the following Resolution:

WHEREAS the Massachusetts Department of Housing and Community Development (“DHCD”) has enacted guidelines that impose a December 31, 2023, compliance deadline for MBTA “Rapid Transit” communities such as Brookline to present zoning plans complying with the so-called “MBTA Communities Act” (“MBTA-CA”), G.L. ch. 40A, § 3A, as determined by application of a DHCD “Compliance Model; and

WHEREAS Brookline’s Planning and Community Development Department (“Planning Department”) has developed a single strategy that would involve substantial rezoning of a 48-acre district centered on the Harvard Street corridor as well as neighboring streets, but other options should be considered; and

WHEREAS while it has been repeatedly claimed that there is no “up-zoning” contemplated, the Harvard Street strategy, in order to comply with DHCD guidelines, assumes the elimination of all parking requirements for new developments along Harvard Street, the elimination of any requirement for commercial or other publicly accessible space (e.g., retail, restaurant, personal services, professional services) even on the first floor, the elimination of floor area ratio restrictions on density, and a 48-foot height limit rather than the existing staggered building height limits; and

WHEREAS all of these factors contribute to significant increases in permissible density from redevelopment that could seriously threaten existing businesses, commercial vitality and existing moderately priced housing; disrupt neighborhoods; and ignore the need for open space and the critical need to increase our tree canopy; and

WHEREAS the Harvard Street strategy is focused solely on pursuing MBTA-CA compliance with the single 48-acre zoning district (which could, in fact, have to expand even further into neighboring streets), although the DHCD guidelines do not require a single area; and

WHEREAS the number of actual, existing multi-family (3-plus) units in Brookline already far exceeds the MBTA-CA “capacity” requirements, a fact not recognized by the DHCD guidelines; and

WHEREAS unlike the Harvard Street strategy, utilizing multiple areas in Town to comply with the MBTA-CA, including existing three-family and other multi-family districts or portions of other corridors, would not require the Town to impose potentially negative changes on the Harvard Street corridor and would not concentrate the potential for additional multi-family

8.A.

housing and the potential impacts on school population on only three elementary schools (Ridley, Lawrence and Pierce); and

WHEREAS recent successful rezoning efforts have been guided by resident committees with staff and consultant support, where the committees reflect appropriate technical skills along with representation from affected constituencies, to increase the credibility of their recommendations and the likelihood of acceptance by Town Meeting; and

WHEREAS the Harvard Street strategy and the chosen process raise significant concerns that could well result in the defeat of that strategy at the November 2023 Town Meeting and it would be imprudent for the Town to “put all its eggs in one basket” without having the option of fully considering other options for complying with the MBTA-CA; and

WHEREAS it is prudent to establish a resident-guided process that will, to the extent possible, ensure the development of alternative strategies for MBTA-CA compliance that could be utilized by themselves or in conjunction with a modified form of the Harvard Street strategy, and that will involve public engagement and analysis of potential impacts of not only the Harvard Street strategy but also alternative strategies;

NOW, THEREFORE, BE IT RESOLVED that Town Meeting

- A. Requests the Select Board and the Town’s legislative delegation to initiate or continue efforts to seek appropriate modifications to the DHCD deadline and guidelines; and further
- B. Requests the Moderator to appoint a committee to identify additional potential options for complying with the MBTA Communities Act; and further,
- C. Requests the Select Board to direct the Planning Department to provide staff support to said Moderator’s Committee in analyzing both the Harvard Street strategy’s potential impacts, including impacts on Town and School services and risks to existing businesses, and other potential options for MBTA-CA compliance, including without limitation applying the DHCD Compliance Model and developing appropriate site plan review standards.

Or act on anything relative thereto.

PETITIONERS’ EXPLANATION

1. Brookline is not required to create a “mega district” to comply with the MBTA-CA

The DHCD guidelines require Brookline to have a “minimum land area” of 41 acres with “multi-family unit capacity” of 6,990 units (25% of the Town’s current number of units) as determined by a DHCD “Compliance Model.” In response, the Harvard Street strategy has identified a single 48-acre district encompassing the entire length of Harvard Street from Station Street to Verndale Street (interrupted only for a block at Coolidge Corner). Moreover, because properties

along Harvard Street -- even with the substantial zoning changes contemplated by the Harvard Street strategy -- apparently yield only 5,400 of the required 6,990 unit “capacity,” the Planning Department has actually included contiguous portions of Stearns Road, Littell Road, Alton Court, St. Paul Street, Webster Place, Kent Street, Station Street, Stedman Street and Beals Street in the so-called “Harvard Street” plan.

The Town, however, is not required to concentrate the impact of the MBTA-CA on only one “mega district.” The DHCD guidelines actually state, for example, that

- “[i]f an MBTA community has two or more zoning districts in which multi-family housing is allowed as of right, then two or more districts may be considered cumulatively to meet the minimum land area and minimum multi-family unit capacity requirements”;
- “no portion of the district that is less than 5 contiguous acres [of] land will count toward the minimum [land] size requirement”; and
- “at least half of the multi-family zoning district land areas must comprise contiguous lots of land.”

DHCD guidelines also allow the inclusion of areas that are already developed and do not limit “capacity” calculations to lots that are vacant. Thus, the guidelines make clear that

- “[n]othing ... should be interpreted as a mandate to construct a specified number of housing units, nor as a housing production target”;
- “capacity” simply means “that a sufficient number of multi-family housing units could be added to or replace existing uses and structures over time – even though such additions or replacements may be unlikely to occur soon”; and
- all privately owned property, even if already developed, can be included in calculating “capacity” unless development is prohibited to protect private or public water supplies or the property is used for institutional uses such as a hospital, utility, or private school, college or university.

Furthermore, DHCD guidelines expressly allow “site plan review” with by-laws that impose conditions on “the appearance and layout” of specific projects, including the regulation of matters such as vehicular access and circulation, screening of adjacent properties, and the “architectural design of a building.” Because the door is open to utilizing site plan review and to considering multiple areas in Town, including multiple commercial areas and existing three-family and multi-family zones, MBTA-CA compliance could generate fewer negative impacts than a single-minded pursuit of the Harvard Street strategy.

2. It is erroneous to argue that the Harvard Street strategy is not up-zoning

It has been repeatedly argued that the Harvard Street strategy provides the potential for growth “without up-zoning,” that “[n]o up-zoning [is] required” and that the strategy will “facilitate infill for both housing/commercial without up-zoning.”

Planopedia, a source of recognized urban design terms, defines “upzoning” as options “to create new development capacity,” including “increas[ing] the floor-area ratios,” “[i]ncreased height restrictions, lower parking requirements, or density bonuses.” The Harvard Street strategy includes

- replacing maximum floor-area ratios (currently 1.0 to 1.75 in most of the area) with “form-based zoning,” thus eliminating (not merely increasing) the allowable floor-area ratios and, with the proposed increase in height limits, essentially tripling the allowable density of properties in the area;
- increasing height restrictions to 48 feet (from 40 feet in most of the area), a 20% increase;
- eliminating various setback and open space requirements in favor of “form-based zoning;”
- eliminating the requirement for publicly accessible first floor space;
- and eliminating (not just reducing) parking restrictions.

The assertion that there would be no “upzoning” is erroneous.

3. The DHCD guidelines are particularly troublesome when applied to the entirety of the existing Harvard Street commercial corridor

Choosing a single, huge 48-acre land area, rather than doing the additional work of objectively pursuing ways in which the MBTA-CA could be achieved with other less disruptive approaches, will focus potential enrollment impacts on only three of the Town’s eight elementary schools and potentially disrupt a vibrant commercial corridor.

First of all, the ironic choice of a commercial corridor as the venue for compliance triggers State DHCD guidelines that flatly prohibit the Town from requiring publicly accessible, commercial activities on the ground floor, or, indeed, anywhere in a building. The threat to commercial viability and to local business is clear. The Town has offered two responses, both of which would likely create further problems:

- First, the Town has apparently suggested, or will suggest, that DHCD remove this restriction. The problem, of course, is that the Harvard Street “mega district” could become even larger than 48 acres, or the “canyonization” of Harvard Street even greater, if the Town’s request for changes to the DHCD guidelines were allowed. Thus, if the Town were permitted to require first-floor commercial space, the “as of right” multi-family housing floor area in buildings would be reduced and the “capacity” target of 6,990 units could be reached only by further expanding the district into even more neighboring streets, or by increasing the height limit and thus density even further beyond the contemplated 48 feet.
- Second, the Planning Department has said that it could provide “incentives” for developers to include commercial uses to avoid dead, publicly inaccessible first-floor spaces in the critical Harvard Street commercial area. The “incentives,” however, would likely require either financial support from the Town in the form of tax abatement agreements, a reduction in the Town’s affordable housing requirements, or zoning

incentives allowing even greater density and the resulting “canyonization” beyond that already contemplated by the Harvard Street strategy.

Second, because the DHCD model deducts space required for parking in calculating housing “capacity,” the Planning Department’s Harvard Street strategy reaches a “capacity” of 5,400 units on Harvard Street, and 6,990 units in the entire MBTA-CA district, only by eliminating all required parking for new development in the district:

- The absence of any minimum on-site parking requirements imposes potential negative impacts on potential patronage in the Harvard Street commercial area (if any commercial activity is able to survive), on surrounding neighborhoods, and even on the residents of any new multi-family housing. Is it realistic to proceed on the assumption that no residential parking is needed?
- Including any on-site parking requirement to avoid congestion and impacts on neighborhood streets and municipally owned parking lots would require that building heights be increased even more or that the MBTA-CA district be expanded even further into surrounding neighborhoods to achieve the desired “capacity.”

Thus, the focus on a single huge area, and a commercial area to boot, creates problems under the DHCD guidelines that could potentially be avoided. Indeed, these problems would, as discussed below, exacerbate other inequities generated by the application of the MBTA-CA.

4. Brookline’s already-existing multi-family units far exceed the MBTA-CA “capacity” guidelines

The DHCD guidelines identify Brookline as one of twelve “Rapid Transit” communities -- Braintree, Brookline, Cambridge, Chelsea, Everett, Malden, Medford, Milton, Newton, Quincy, Revere, and Somerville – that are required to have a “minimum multi-family unit capacity” equivalent to 25% of the total number of housing units in the community according to the 2020 U.S. Census.¹

The Town’s already-existing multi-family units, according to the 2021 U.S. Census American Community Survey, are already 66.8% of the Town’s housing units.

- The percentage of multi-family units in the twelve “Rapid Transit” communities ranges from 10.8% to 71.9%.
- Brookline is one of only three of the twelve communities, along with Chelsea and Cambridge, where multi-family housing already constitutes more than 2/3 of the total housing units.
- Thus, Brookline’s actual, already-existing multi-family inventory is more than 2 ½ times the MBTA’s “capacity” goal.²

¹<https://www.mass.gov/doc/compliance-guidelines-for-multi-family-zoning-districts-under-section-3a-of-the-zoning-act/download>

²https://censusreporter.org/data/table/?table=B25024&geo_ids=16000US2509210,05000US25021,31000US14460,04000US25,01000US&primary_geo_id=16000US2509210#valueType|estimate

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- It has also been stated that an even higher percentage (75%) of the units in Brookline's Green Line service area are multi-family, more than three times the MBTA-CA "capacity" goal.³

But whether the multi-family percentage of Brookline's existing housing units is 2/3 or 3/4, Brookline far exceeds the MBTA-CA 25% "capacity" standard and cannot credibly be accused of excluding multi-family housing.

5. The MBTA-CA expects other municipalities to subsidize Boston and Cambridge and commercial developers in those cities

Over the past decade, as set forth in more detail in Appendix "A,"

- Boston and Cambridge have effectively shifted to other communities the cost of providing housing and related municipal services, including public education, for the households of workers attracted by commercial development in those two cities.
- Those two cities have gained tens of millions (Cambridge) or hundreds of millions (Boston) of dollars of additional property tax levies from commercial development, a windfall they do not share with other communities. On a per capital basis, Boston's tax levy increase from commercial development is 5 times that of Brookline, and that of Cambridge is 7 times Brookline's.
- More specifically, in the decade after 2010, Boston added 124,800 new jobs but provided only 29,200 additional housing units (only 23% of the new jobs); Cambridge added 35,500 new jobs but provided only 6,600 additional housing units (only 19% of the new jobs); and Brookline added 1,200 new jobs while providing 1,500 additional housing units (25% more units than the number of new jobs).
- Studies conducted by Boston and Cambridge themselves confirm the fact that other municipalities already house the vast majority of new workers attracted to those cities. Those studies further confirm that the housing "linkage payments" paid by developers in those two cities are a trivial percentage of the additional housing costs imposed by commercial development (without even accounting for the costs of municipal services necessitated by additional housing).
- And, as with their commercial property tax windfalls, the housing linkage payments received by Boston and Cambridge are not shared with the municipalities actually housing the vast majority of new workers from those two cities.

6. Residential taxpayers in Brookline bear the brunt of providing Town and School services

As further set forth in Appendix "A," because of Brookline's relatively small commercial tax base and limited commercial growth compared to Boston and Cambridge,

- Residential properties in Brookline pay a much larger percentage of Brookline's property tax levy – twice the share paid by Boston's residential properties and almost 2 ½ times the share paid by residential properties in Cambridge.

³ Boston Globe, March 4, 2023, p.A-9 (Linda Olson Pehlke; Readers' Forum).

- Brookline, like other “bedroom” communities, has faced multiple operating overrides and debt exclusion votes, primarily to meet school needs.
- The taxes on residential properties have already increased dramatically, even without including the impact of the debt exclusion for fire station rehabilitation voted in 2022 and the pending 2023 operating override and Pierce School debt exclusion.
- In contrast, Boston and Cambridge, with their commercial property tax growth and offloading of housing and municipal service responsibilities to other communities, have had NO operating overrides or debt exclusions in at least 35 years, if ever.⁴

And, as a final irony, Boston is totally excluded from any obligation under the MBTA-CA to provide multi-family housing capacity.

7. A closing comment

Despite the obvious negative fiscal impacts of Brookline’s already sparse commercial development and despite the fact that DHCD guidelines preclude the Town from requiring space for commercial activity, the Harvard Street strategy utilizes a major corridor defined by commercial activity along almost its entire length as the location for efforts to satisfy the MBTA-CA.⁵

The Harvard Street strategy, under external time pressure,⁶ proposes changes that will have potentially serious and irreversible impacts enduring for decades. Plunging ahead with this single strategy would leave the Town with no viable alternatives that might be acceptable.⁷ Town Meeting should not be so severely hamstrung in its future decision making. The more prudent course would examine available alternatives for complying with the MBTA-CA. This resolution is an effort to start that process.

⁴ <https://www.mass.gov/lists/reports-relating-to-property-tax-data-and-statistics#proposition-2-1/2-referendum-data->

⁵ Indeed, as noted above, even if the DHCD guidelines prohibiting commercial mandates were relaxed, any mandate to include commercial activity would likely either require that the zone be expanded even further into adjoining neighborhoods or that the proposed zoning be changed to allow even greater density and “canyonization” through increased height limits.

⁶ The Town and other municipalities are apparently seeking an extension of the December 31, 2023 deadline for submitting final plans. Even if that time is not extended, the Boston Globe reported on December 16, 2022, that DHCD on or about December 14, 2022 issued a letter stating that “Once a community comes back into compliance, the housing authority funding will be restored.” <https://www.bostonglobe.com/2022/12/16/business/state-soften-budget-cuts-towns-that-dont-comply-with-new-mbta-housing-law/>

⁷ In its MBTA-CA Action Plan, the Planning Department recognized “the fears of obliterating our small commercial tenants”; that “[w]ithout having the ability to require commercial use on the ground floor in our core commercial districts along Harvard Street, we may not be able to secure a majority vote at Town Meeting”; that “we are unsure whether Town Meeting will agree to no parking minimums by right”; and that “[w]hile no parking minimums by right may seem an obvious policy solution, it may prove to not be a politically palatable outcome.” <https://www.mass.gov/doc/submitted-section-3a-action-plans/download>

APPENDIX "A"

I. Commercial New Growth over the Past Decade

Boston:

- Has averaged an increase of over \$50 million of "new growth" annually in its property tax levy limit from Commercial, Industrial and Personal Property (e.g., laboratory equipment) ("CIP") development.
- This bonanza that has not abated even after the pandemic, with an additional \$69.3 million property tax levy increase from CIP new growth in the most recent Fiscal Year 2023.⁸

Cambridge:

- Has averaged an increase of over \$13.3 million annually in its property tax levy limit from CIP development.
- As in Boston, this has not abated even after the pandemic, with an additional \$21.1 million CIP new growth increase in Fiscal Year 2023.⁹ Each annual increase becomes part of the permanent tax levy limit for all future years, being aggregated year after year and further increased by 2 ½% annually under Proposition 2 ½.

Brookline, in contrast:

- Has had an increase averaging only \$0.9 million annually in its property tax levy limit from CIP development
- And, in fact, this number fell after the pandemic, with only a \$792,628 CIP new growth tax levy increase in Fiscal Year 2023.¹⁰

In per capita terms:

- Over the past decade the annual per capita new growth in the tax levy limit from CIP development in Boston has been 5 times that of Brookline, and the increase in Cambridge has been more than 7 times that of Brookline.
- And none of the increased CIP property taxes collected by Boston and Cambridge are shared with other communities.
- This discrepancy would not be troubling if Boston and Cambridge were in fact housing the additional workers and their households and providing the costs attendant on that housing, including the costs of providing municipal services and public education. As shown below, however, that is not the case.

⁸ https://dls.gateway.dor.state.ma.us/reports/rdPage.aspx?rdReport=NewGrowth.NewGrowth_dash_v2_test

⁹ Ibid.

¹⁰ Ibid.

II. “Off-loading” of Housing and Municipal Service Responsibilities by Boston and Cambridge to Other Communities.

State and federal data:

- Between the 4th quarter of 2010 and the 4th quarter of 2019 (before pandemic distortions), Boston added 124,800 new jobs, Cambridge added 35,500 new jobs, and Brookline added 1,200 new jobs.¹¹
- The U.S. Census shows a growth in housing units between 2010 and 2020 in Boston of 29,200 units (only 23% of the new jobs), in Cambridge of 6,600 units (only 19% of the new jobs), and in Brookline of 1,500 units (25% more units than the new jobs added in Brookline).¹²

Boston’s own 2016 study:

- Found that only 24% of new workers in Boston commercial developments seek housing in Boston.
- Also found that a linkage payment of \$85.55 per square foot of CIP development – in 2016 dollars -- would be needed to provide housing for low-, moderate- and middle-income workers among just the 24% of additional workers seeking housing in Boston.¹³
- Extrapolated to the communities that provide housing for the other 76% of workers, that \$85.55 figure would be \$360 per square foot, even without accounting for increases in costs between 2016 and 2023.
- Yet in contrast to that required \$360 per square foot – in 2016 dollars -- Boston currently collects a trivial housing linkage fee of only \$13.00 per square foot (and only for developments over 100,000 square feet), and none of that is shared with the communities that are providing housing for 76% of the workers generated by Boston’s commercial development.
- Proposed increases of the housing linkage fee to approximately \$25.85 per square foot for laboratory space and \$19.40 per square foot for other commercial uses¹⁴ would still be a trivial part of the \$360 per square foot of housing costs – in 2016 dollars -- imposed by commercial development, and none of that amount would be shared with the other communities such as Brookline providing housing for 76% of the workers attracted by Boston CIP development.

Cambridge’s own 2019 study:

- Found that only 13% of new workers in Cambridge commercial developments seek housing in Cambridge.

¹¹ <https://lmi.dua.eol.mass.gov/LMI/EmploymentAndWages>

¹² <https://data.census.gov/cedsci/all?q=boston%20ma%20housing%20units> (Boston);
<https://data.census.gov/cedsci/all?q=cambridge%20ma%20housing%20units> (Cambridge);
<https://data.census.gov/cedsci/all?q=housing%20units%20brookline%20ma> (Brookline)

¹³ <https://www.bostonplans.org/getattachment/b883ad7f-fc1f-4c83-ac88-1334e519742d>

¹⁴ 84% of the increased fees, with the remaining 16% going to job training.

- Found that a linkage payment of \$55.27 per square foot of CIP development – in 2019 dollars – would be needed to provide housing for low-, moderate- and middle-income workers among just the 13% of additional workers seeking housing in Cambridge.¹⁵
- Extrapolated to the communities that provide housing for the other 87% of workers, that \$55.27 figure would be \$415 per square foot, even without accounting for increases in costs between 2019 and 2023.
- In contrast to that required \$415 per square foot – in 2019 dollars – Cambridge currently collects a trivial housing linkage fee of only \$20.10 per square foot (and only for developments over 30,000 square feet), and none of that is shared with the communities that are providing housing and the attendant public services for 87% of the workers generated by Cambridge’s commercial development.

To make matters even worse, the MBTA-CA:

- Excludes Boston, one of the principal beneficiaries of commercial development taxes, from the mandate to provide multi-family housing.¹⁶
- Under the DHCD guidelines, actually places a “cap” on affordable housing requirements, stating that, in the absence of an “economic feasibility analysis” by a “third party acceptable to DHCD, and using a methodology and format acceptable to DHCD,” zoning cannot require more than 10 percent of the units in a project to be affordable, and the income cap cannot be less than 80% of the area median income (so that a municipality cannot, for example, choose a cap on income that is less than \$112,150 for a household of four).

III. Impact on Residential Taxpayers in Brookline, Boston and Cambridge

Burden of paying local property taxes:

- Brookline residential properties pay 83.5% of the total property tax levy.
- Boston residential properties pay only 41.7%.
- Cambridge residential properties pay only 34.2%.¹⁷

Overrides and debt exclusions:

- Brookline, like other “bedroom communities” without the extensive commercial growth of Boston and Cambridge, has required increasingly frequent operating overrides, largely to fund school expenses (1994; 2008 (\$6.2 million); 2015 (\$7.665 million); 2018 (\$6.6 million); proposed 2023 (approximately \$12 million)).

¹⁵ https://www.cambridgema.gov/-/media/Files/CDD/Housing/incentivezoning/hsg_Incentive_Zoning_Nexus_Study_20191211.pdf

¹⁶ And Cambridge has stated in its MBTA-CA Action Plan that its “most likely” zoning strategy to comply with the MBTA-CA is essentially the status quo: “An existing zoning district or districts that might already comply with the Section 3A Guidelines.” <https://www.mass.gov/doc/submitted-section-3a-action-plans/download>

¹⁷ <https://dls.gateway.dor.state.ma.us/reports/rdPage.aspx?rdReport=Dashboard.TrendAnalysisReports.TaxLevyByCity>

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- Brookline has likewise had multiple debt exclusions primarily to meet school needs (1990, new Lincoln School; 1995, High School renovation; 2015, new Ridley (\$120 million); 2018, renovate and expand High School (\$238 million); 2019, new Driscoll (\$120 million); 2022, fire station life safety and gender equity (\$65 million); proposed 2023, new Pierce (\$173 million expected Town share)).
- In contrast, Boston and Cambridge have had no operating overrides or debt exclusions in at least 35 years, if ever.

The impact on residential property taxes, without the impact of the \$65 million 2022 fire station debt exclusion (which has not yet affected property taxes) or the potential impacts of the proposed 2023 \$173 million Pierce School debt exclusion and 2023 \$12 million operating override:

- With the owner-occupied property tax exemption, from FY18 to FY23, taxes have already increased as follows (including the CPA surcharge):
 - On the median single-family home, from \$11,882 to \$17,160;
 - On the median condominium, from \$3,933 to \$4,659;
 - On the median 2-family home, from \$12,420 to \$17,749; and
 - On the median 3-family home, from \$13,607 to \$18,753.
- Taxes on the median apartment building have increased from \$27,201 to \$36,767.¹⁸

¹⁸ [https://www.brooklinema.gov/DocumentCenter/View/37282/FY2023-Classification-Hearing-Presentation?bidId=\(adjusted for actual residential exemption of 20%, commercial tax shift of 1.745, and CPA surcharge per conversation with Chief Assessor\):https://meetings.brooklinema.gov/OnBaseAgendaOnline/Documents/ViewDocument/Select_Board_948_Agenda_Packet_11_27_2018_6_30_00_PM.pdf?meetingId=948&documentType=AgendaPacket&itemId=0&publishId=0&isSection=false](https://www.brooklinema.gov/DocumentCenter/View/37282/FY2023-Classification-Hearing-Presentation?bidId=(adjusted%20for%20actual%20residential%20exemption%20of%2020%2C%20commercial%20tax%20shift%20of%201.745%2C%20and%20CPA%20surcharge%20per%20conversation%20with%20Chief%20Assessor):https://meetings.brooklinema.gov/OnBaseAgendaOnline/Documents/ViewDocument/Select_Board_948_Agenda_Packet_11_27_2018_6_30_00_PM.pdf?meetingId=948&documentType=AgendaPacket&itemId=0&publishId=0&isSection=false)

CONTACT: NEIL GORDON neil@nrgordon.com 508-265-1362

Warrant Article signature page

SIGNATURES (Ten registered voters required)

The following registered Brookline voters support the attached submitted article ^(MBTACA RESOLUTION)

<u>SIGNATURE</u>	<u>print name</u>	<u>Address</u>
1. <i>Richard (Dick) Benka</i>	RICHARD (DICK) BENKA	21 Circuit Rd. Pet 14
2. <i>Carla Wyman Benka</i>	CARLA WYMAN BENKA	26 Circuit Rd, P. 14
3. <i>John Doyyett</i>	JOHN DOYDETT	8 Penniman Rd P13
4. <i>Jennifer Doyyett</i>	JENNIFER DOYDETT	8 Penniman Rd P13
5. <i>Harry Friedman</i>	HARRY FRIEDMAN	27 Clapham Rd. P12
6. <i>Linda Olson Pehlke</i>	LINDA OLSON PEHLKE	48 Browne St. #2 P17
7. <i>Jane Gilman</i>	JANE GILMAN	140 Sewall Ave. P3
8. <i>Martin Rosenthal</i>	MARTIN ROSENTHAL	62 Columbia St. P. 9
9. <i>Neil Gordon</i>	NEIL GORDON	57 107 St P1
10. <i>Diane Lees Spiegel</i>	DIANE LEES SPIEGEL	39 Stetson St. Pet 8
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ARTICLE 1FIRST ARTICLE

Submitted by: Select Board

To see if the Town will establish that the number of Measurers of Wood and Bark be two, to be appointed by the Select Board, or act on anything relative thereto.

PETITIONER'S ARTICLE DESCRIPTION

Article 20 of the November, 2000 Special Town Meeting requires that this be the first article at each Annual Town Meeting. It calls for the Select Board to appoint two Measurers of Wood and Bark.

ARTICLE xx ARTICLE

Submitted by: Treasurer/Collector

To see if the Town will authorize the Town Treasurer, with the approval of the Select Board, to enter into Compensating Balance Agreement(s) for FY2024 in accordance with General Laws Chapter 44, Section 53F, or act on anything relative thereto.

PETITIONER'S ARTICLE DESCRIPTION

This article authorizes the Town Treasurer to enter into Compensating Balance Agreements, which are agreements between a depositor and a bank in which the depositor agrees to maintain a specified level of non-interest bearing deposits in return for which the bank agrees to perform certain services for the depositor. In order to incorporate such compensating balance agreements into the local budget process, the Commonwealth passed a law in 1986 mandating that all such arrangements be authorized by Town Meeting on an annual basis.

ARTICLE xx ARTICLE

Submitted by: Select Board

To see if the Town will, in accordance with General Laws, Chapter 44, Section 64, authorize the payment of one or more of the bills of the previous years, which may be legally unenforceable due to the insufficiency of the appropriations therefore, and appropriate from available funds, a sum or sums of money therefore, or act on anything relative thereto.

PETITIONER'S ARTICLE DESCRIPTION

This article is inserted in the Warrant for every Town Meeting in case there are any unpaid bills from a prior fiscal year that are deemed to be legal obligations of the Town. Per Massachusetts General Law, unpaid bills from a prior fiscal year can only be paid from current year appropriations with the specific approval of Town Meeting.

BOARD OF ASSESSORS

The Board of Assessors voted at their regular meeting held on **February 21, 2023** to recommend to the 2023 Annual Town Meeting to continue to grant additional property tax exemption amounts allowed by law as follows:

PROPOSED ARTICLE FOR 2023 ANNUAL TOWN MEETING

To see if the Town will elect to establish an additional property tax exemption for fiscal year 2024 which shall be uniform for all exemptions, in accordance with Section 4 of Chapter 73 of the Acts of 1986, as amended by Chapter 126 of the Acts of 1988, and accept said Section 4, as amended, or act on anything relative thereto.

PETITIONER'S EXPLANATION

This article provides for an increase in the property tax exemptions for certain classes of individuals, including surviving spouses, low-income elderly, the blind and disabled veterans. The proposed increases, which require annual reauthorizations, have been approved by Town Meeting continually since FY1989.

PETITIONER'S RECOMMENDATION

This article provides for an increase in the property tax exemption amounts for certain classes of individuals, including surviving spouses, the elderly, the blind and disabled veterans. The proposed increases, which require annual reauthorizations, have been approved annually since FY1989. The estimated cost for FY2024 is approximately \$41,025 and is funded from the tax abatement overlay reserve account. The law allows the Town to increase the exemptions by up to 100% as indicated on the following schedule, which are recommended by the Board of Assessors:

Description	Ch.59, Sec.5 Clause	FY2023 #Granted	Basic Amount Exempted	Proposed Amount Exempted
Surviving Spouse	17D	3	\$175	\$350
Veteran (10% Disability)	22	40	\$400	\$800
Veteran (loss of one hand, foot or eye)	22A	0	\$750	\$1,500
Veteran (loss of two hands, feet or eyes)	22B	0	\$1,250	\$2,500
Veteran (special housing)	22C	0	\$1,500	\$3,000
Veteran (certain widows of soldiers)	22D	0	\$250	\$500
Veteran (100% disability, cannot work)	22E	6	\$1,000	\$2,000
Blind	37A	29	\$500	\$1,000
Elderly	41C	8	\$500	\$1,000

TO BE VOTED BY ROLL CALL OF THE SELECT BOARD:

That the Town elect to establish an additional property tax exemption for fiscal year 2024 which shall be uniform for all exemptions, in accordance with Section 4 of Chapter 73 of the Acts of 1986, as amended by Chapter 126 of the Acts of 1988, and accept said Section 4, as amended.

ADVISORY COMMITTEE'S CONSIDERATIONSBACKGROUND

This Article would allow the Town to continue its current practice of increasing state-mandated property tax exemptions for several classes of qualifying taxpayers, including veterans with a 10% or greater disability, surviving spouses, blind taxpayers, and low-income elderly taxpayers. The town is required to give these taxpayers, if eligible, a basic exemption whose amount is specified in Chapter 59, Section 5 of the Massachusetts General Laws and which is partially reimbursed by the state. The Town also has the option to increase these exemptions by any amount up to 100%. The increase must be uniform across all the exemptions, and the increased exemption amount, per taxpayer, may be limited by the change in the taxpayer's bill over their previous fiscal year's tax liability.

DISCUSSION

The proposed increases require annual authorization and have been approved by Town Meeting each year since FY1989. It is hard to imagine the Town denying, for instance, disabled veterans and fixed-income elderly the additional exemptions allowed under state law. The Assessors estimate that the cost for FY2024 will be approximately \$41,025 and has already built a reserve for this purpose in the tax abatement overlay reserve account.

Thomas Barrasso, A. Director of Sustainability
tbarrasso@brooklinema.gov
617-730-2130

7/25/2018 3:43:04

ARTICLE X

x ARTICLE

Submitted by: Department of Planning and Community Development

To see if the Town will:

1) Vote to amend Article 5.9 to document votes previously taken by Town Meeting regarding adoption of the Specialized Energy Code and Stretch Code as well as to clarify incorporate state regulation references, as follows:

- a) Change the title of Article 5.9 from "Stretch Energy Code" to "Energy Codes"
- b) Amend 5.9 as follows, **with additions underlined and deletions in strikeout**:

"Section 5.9.1 Stretch Energy Code and Municipal Opt-in Specialized Energy Code

- a) Purpose: The purpose of this by-law and related state regulations 780 CMR 120-AA-225 CMR 22 and 23 is to provide a more energy efficient alternative to the base energy code applicable to the relevant sections of the building code for both new construction and existing buildings.
- b) Authority: Through Town Meeting action, the Town of Brookline has adopted the Stretch Energy Code and Specialized Energy Code, and both are incorporated by reference into the Town of Brookline General By-Laws Article 5.9. These codes are enforceable by the Building Commissioner or their designated Building Inspector(s).

c) Definitions:

Specialized Energy Code – Codified by the entirety of 225 CMR 22 and 23 including Appendices RC and CC, the Specialized Energy Code adds residential and commercial appendices to the Massachusetts Stretch Energy Code, based on amendments to the respective net-zero appendices of the International Energy Conservation Code (IECC) to incorporate the energy efficiency of the Stretch energy code and further reduce the climate impacts of buildings built to this code, with the goal of achieving net-zero greenhouse gas emissions from the buildings sector no later than 2050.

Stretch Energy Code - Codified by the combination of 225 CMR 22 and 231, not including Appendices RC and CC, the Stretch Energy Code is a comprehensive set of amendments to the International Energy Conservation Code (IECC) seeking to achieve all lifecycle cost-effective energy efficiency in accordance with the Green Communities Act of 2008, as well as to reduce the climate impacts of buildings built to this code.

Section 5.9.2 Definitions

- a) ~~International Energy Conservation Code (IECC) 2009 – The International Energy Conservation Code (IECC) is a building code created by the International Code Council. It is a model code adopted by many state and municipal governments in the United States for the establishment of minimum design and construction requirements for energy efficiency. Commencing July 1, 2010, the baseline energy conservation requirements of the MA State Building Code will default to IECC 2009 and MA amendments.~~
- b) ~~Stretch Energy Code – Codified by the Board of Building Regulations and Standards as 780 CMR Appendix 120-AA, the Stretch Energy Code is the International Energy Conservation Code (IECC) 2009 as may be amended from time to time.~~

Section 5.9.3 Applicability

This code applies to residential and commercial buildings. Buildings not included in this scope shall comply with 780 CMR 13, 34, 61, or 93, as applicable.

Section 5.9.4 Authority

The Town of Brookline hereby adopts 780 CMR 120 AA in order to ensure that construction within its boundaries is designed and built above the energy efficiency requirements of 780 CMR Appendix 120 AA and mandates adherence to said Appendix as may be amended from time to time.

Section 5.9.5 Stretch Code

The Stretch Code, as codified by the Board of Building Regulations and Standards as 780 CMR Appendix 120 AA, including any amendments or modifications, is herein incorporated by reference into the Town of Brookline General Bylaws, Article 5.9. The Stretch Code is enforceable by the Building Commissioner or their designated Building Inspector(s)."

2) Vote to amend Article 5.9 of the Town of Brookline General By-Laws by **adding** the following language for the purpose of restricting and prohibiting new building construction and major renovation projects that are not Fossil-Fuel Free, pursuant to the entirety of 225 CMR 24 Fossil Free Building Construction and Renovation Demonstration Project, which latest version is on file with the Town Clerk. This amendment shall only take effect if approved by the Massachusetts Department of Energy Resources (MA DOER) as a Participating Community pursuant to 225 CMR 24.

"Section 5.9.2 Fossil Fuel-Free Demonstration

- a) Purpose: The purpose of this by-law and related state regulations 225 CMR 24, also referred to as the Fossil Fuel-Free Demonstration, is to restrict and prohibit new building construction and major renovation projects that are not fossil fuel-free.
- b) Authority: Through this Town Meeting action, the Town of Brookline will adopt the Fossil Fuel Free-Demonstration. Upon approval by the Department of Energy Resources (DOER) of the necessary changes to the Specialized Energy Code, amendments to the Specialized Energy Code are adopted as listed in Section 5.9.2 (f) below. These changes are enforceable by the Building Commissioner or their designated Building Inspector(s) and will go into effect for any project seeking a permit after the effective date.
- c) Applicability: This restriction applies to residential and commercial buildings that qualify as new construction or major renovation, as defined in 225 CMR 22 and 23. This restriction shall not apply to research laboratories for scientific or medical research, hospitals and medical offices regulated by the department of public health as a health care facility as defined in 225 CMR 24.
- d) Definition of Fossil Fuel-Free Demonstration: Codified by the entirety of 225 CMR 24, the Fossil Fuel-Free Demonstration.
- e) The effective date of this Section 5.9.2 is the latest of the following: (1) sixty days following approval by DOER of the necessary changes to the Specialized Energy Code and the Town's status as a Participating Community; (2) the effective date established by M.G.L. c. 40, s. 32; and (3) January 1, 2024.
- f) Amendments to the Specialized Energy Code as part of the Fossil Fuel-Free Demonstration are as follows:

9.A.

- 1) Low-rise Residential Code (225 CMR 22 Appendix RC):
Sections RC102 and RC101 “Zero Energy Pathway” and “Mixed Fuel Pathway” shall not be permitted for use for new construction or major renovations.
- 2) Commercial and All Other (225 CMR 23 Appendix CC)
Sections CC103 and CC105 “Zero Energy Pathway” and “Mixed-Fuel Pathway” shall not be permitted for new construction or major renovations, with the following exceptions:
 - (i) Research laboratories for scientific or medical research,
 - (ii) Hospitals regulated by the department of public health as a health care facility,
 - (iii) Medical offices regulated by the department of public health as a health care facility, and
 - (iv) Multi-family buildings over 12,000 square feet with permit application filed prior to January 1, 2027 may utilize gas or propane for domestic water heating as the only combustion equipment.”

Or act on anything relative thereto.

PETITIONER'S ARTICLE DESCRIPTIONBackground

Brookline and nine other municipalities are prioritized to participate in the MA DOER Pilot. We are working with Town Counsel's office and the Building Department to draft a Warrant Article for the upcoming Annual Town Meeting, and will have that for your review by Monday or Tuesday morning. That Warrant Article will be submitted by the Department of Planning & Community Development (DPCD). We would be asking Town Meeting to adopt a General By-Law amendment as part of the Pilot. Missing that window would negate the participation of Brookline in the Pilot as a prioritized community. We are asking the Select Board support of this Warrant Article.

This Pilot is a direct result of the Home Rule Petition from Brookline to the State for the ban on Fossil Fuel infrastructure in new construction. Several of the other nine municipalities selected for the Pilot based their own Home Rule Petitions on that Brookline model. The Pilot would allow Brookline to test eliminating petroleum combustion fuels (naturally occurring or synthetic) from HVAC, water heating, and backup generators within buildings newly constructed or undergoing significant renovation. The purpose of this Pilot is to establish a framework, requirements, data collection, and a mechanism for executing such a by-law for new construction and major renovations.

The key issues for this Warrant Article are as follows:

1. This is part of a Pilot for the State. An experiment. The duration of the Pilot will be short, essentially from July 2024 until September 2025.
2. The DOER regulations governing this Pilot are still in draft form and will not be finalized until later this Spring, hopefully before the Annual Town Meeting begins. We may need to return to Town Meeting this Fall to make some modifications.
3. The By-Law Amendment will also clean up the existing By-Law we have regarding Stretch Code, since some of the referenced regulations have changed numbering, and we also want to reference the Town's recent adoption of the Specialized Code.
4. The State has provided the draft regulations as well as a template for the Warrant Article and By-Law. It is the position of DPCD, Town Counsel's Office, and the Building Department that Brookline not make heavy modifications to these templates to ensure that Brookline remains in the Pilot program. However, we have removed the exemption for the use of Bio-Mass as a fuel source as suggested by the DOER's template by-law. Per the template¹, exemptions would be in place for:
 - a. research laboratories for scientific or medical research
 - b. hospitals regulated by the department of public health as a health care facility
 - c. medical offices regulated by the department of public health as a health care facility, and
 - d. domestic water heating for multi-family buildings over 12,000 square feet (until January 1, 2027).

Key Activities for MA DOER:

- A Pilot Municipality must provide a Letter of Intent by September 1, 2023
- All materials for the application, including a voted By-Law, must be in place by November 10, 2023 according to the draft regulations.

¹ <https://www.mass.gov/info-details/municipal-fossil-fuel-free-building-demonstration-program>

9.A.

Brookline has a long history of being on the forefront of climate action and in this case a leader in the pursuit of the adoption of building codes that will have a significant impact on our community's carbon footprint. The precursors to this Article include Warrant Article 21 of the 2019 Special Town Meeting, which the Town first voted to adopt and then voted to send to the Commonwealth as a Home Rule Petition. To date, our by-law amendments on this issue have been struck down by the State through the office of the Attorney General. However, the pursuit of this needed action has invited debate and discussion resulting in visibility to the argument that the current building codes, even though they do somewhat consider carbon reduction and energy efficiency, are not sufficient to get us to our climate action goal of Net Zero by 2040.

Thanks to the efforts of the Town's climate action groups, Representative Tommy Vitolo, and other climate leading cities and towns, the State, through MA Department of Energy Resources (DOER), has created regulatory authority under St. 2022, c. 179, § 84 to permit ten Prioritized Communities to participate in a Pilot. Brookline, being a community that filed a Home Rule Petition on this issue, is one of those ten communities. The others are: Arlington, Lexington, Acton, Concord, Cambridge, Lincoln, Newton, West Tisbury, and Aquinnah. More information on this program is available at <https://www.mass.gov/info-details/municipal-fossil-fuel-free-building-demonstration-program>.

Purpose and Effect

What is before you are a prescribed set of parameters that MA DOER has drafted for adoption by each of the Prioritized Communities to allow for participation in the Pilot. This Pilot will allow Brookline and the other communities to test the parameters in real-time through the permitting of building projects. This will result in data from multiple municipalities over a wide spectrum of size, demographics, and landscapes that will inform the future building codes of the Commonwealth. According to DOER staff, currently the Pilot duration will be from local adoption through to 2025.

The Town Administrator and Building Commissioner support the passage of this warrant article with an effective date as presented. The Town fully understands the uncertainty accompanying the rollout out of this experiment: the state agencies are creating this as we are voting to adopt it. Education and clarification will be needed as this Demonstration Project is executed. This project builds on some of the changes that Brookline has already adopted, primarily the Stretch Energy Code and Specialized Energy Code. The staff time to track the permitting data required under the Demonstration Program will be better understood as communities move forward in partnership with DOER over the next several months. Although the Building Commissioner does not currently anticipate the need for additional staff to support this Demonstration Program such an expansion may need to be discussed further during budget processes.

Timing of this Warrant Article and DOER regulations related to Fossil Fuel-Free Demonstration

As described below and confirmed by DOER staff, the current draft DOER regulations require Brookline to adopt a bylaw prior to November 10, 2023 in order to remain a Prioritized Community and a participant in DOER's Fossil Fuel-Free Demonstration Project. DOER staff anticipate adopting final regulations by April or May 2023, prior to the Annual Town Meeting vote.

Draft MA DOER 225 CMR 24.00 (as of February 27, 2023)

225 CMR 24.00 – Municipal Fossil Fuel Free Building Construction and Renovation Demonstration Project

Sections:

24.01 : Purpose and Application 24.02:

Definitions

24.03 : Prioritized Communities

24.04 : Application Materials and Review Process 24.05:

Eligibility Criteria

24.06 : Substitute Communities

24.07 : Reporting and Assessment of Results

24.08 : Specialized Municipal Opt-in Energy Code and Model Rule 24.09:

Severability

24.01 Purpose and Application

The purpose of 225 CMR 24.00 is to establish the framework, requirements, and timeline for cities and towns to participate in the Department's Municipal Fossil Fuel Free Building Construction and Renovation Demonstration Project as authorized by St. 2022, c. 179, § 84.

24.02 Definitions

Comparable Municipalities. Municipalities designated by the Department for data collection and reporting purposes that share similar relevant characteristics to Participating Communities.

Demonstration Project. Not more than 10 cities or towns as approved by the Department pursuant to 225 CMR 24.00 that may, notwithstanding chapter 40A of the General Laws, section 13 of chapter 142 of the General Laws and chapter 164 of the General Laws or any other general or special law to the contrary, adopt and amend general or zoning ordinances or by-laws that require new building construction or Major Renovation projects to be fossil fuel-free, and enforce restrictions and prohibitions on new building construction and Major Renovation projects that are not fossil fuel-free, including through the withholding or conditioning of building permits

DHCD. The Massachusetts Department of Housing and Community Development, as established by M.G.L. c. 23B.

Department. The Massachusetts Department of Energy Resources, as established by M.G.L. c. 25A.

Fossil Fuel-free. As defined by a city or town to include, but not be limited to, an entire building or entire condominium unit that does not, in support of its operation after construction, utilize coal, oil, natural gas, other fuel hydrocarbons, including synthetic equivalents, or other fossil fuels.

Hospitals or Medical Offices. A facility licensed or approved by the Department of Public Health to provide health care, including clinics licensed as health care facilities and facilities that provide substance use disorder treatment services, including outpatient withdrawal management, opioid treatment programs, office-based opioid treatment programs, acute treatment services (inpatient detoxification), and clinical stabilization services.

Local Approval. By a majority vote of the: (i) city council with the approval of the mayor in the case of a city with a mayor elected to serve as the chief executive officer of the city; (ii) city council in every other city; (iii) annual town meeting or a special town meeting called for that purpose in the case of a municipality with a town meeting form of government; or (iv) town council in the case of a municipality with a town council form of government.

Major Renovation. A level 3 alteration as defined in 225 CMR 22.00 and 23.00.

Participating Community. A city or town approved by the Department for participation in the Demonstration Project.

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Prioritized Community. A city or town with a home rule petition filed with the general court prior to August 11, 2022 and listed in 225 CMR 24.03(1); provided, however, that a city or town that submits a letter of withdrawal pursuant to 225 CMR 24.03(3) or is deemed withdrawn pursuant to 225 CMR 24.03(4) shall not be a Prioritized Community.

Process load. Energy demand in commercial or industrial buildings that is not covered by the Massachusetts building energy code.

Research laboratories for scientific or medical research. A building where a laboratory procedure or research activity occurs, where the building has an average ventilation at full occupancy greater than 0.5 cfm/sf. Such buildings shall provide the ventilation design documentation described Section C103.2 of 225 CMR 23.00 at the time of building permitting.

Substitute Community. A city or town that applies to the Department for participation in the Demonstration Project that did not file a home rule petition prior to August 11, 2022.

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24.03 Prioritized Communities

<p><u>Prioritized Communities.</u> As established by St. 2022, c. 179, § 84, the Department will prioritize the following 10 Prioritized Communities, being the first 10 communities to have filed home rule petitions with the general court in the following order: Order Filed</p>			Town	Filing Date
	1	Arlington		4/22/2021
	2	Lexington		5/05/2021
	3	Brookline		6/01/2021
	4	Acton		8/27/2021
	5	Concord		9/01/2021
	6	Cambridge		4/06/2022
	7	Lincoln		4/19/2022
	8	Newton		4/20/2022
	9	West Tisbury (No longer participating, a new town will be selected by the State.)		6/14/2022
	10	Aquinnah		6/14/2022

- (1) Letter of Intent. In order to inform the Department and potential Substitute Communities about participation in the Demonstration Program, Prioritized Communities must confirm their participation by submitting a letter of intent to the Department not later than September 1, 2023.

(a) This letter must be:

1. signed by an authorized representative of the city or town, and
2. affirm the city or town's intention to participate in the Demonstration Project.

(b) Prioritized Communities that submit a letter of intent will maintain their Prioritized Community status until February 11, 2024. The Department will publicly post letters of intent to its website.

- (2) Letter of Withdrawal. Any Prioritized Community that will not apply to participate in the Demonstration Project must submit a letter of withdrawal to the Department not later than September 1, 2023.

(a) This letter must be:

1. signed by an authorized representative of the city or town, and
2. affirm the city or town's intention not to participate in the Demonstration Project.

- (3) Default. Any Prioritized Community that does not submit either a letter of intent or letter of withdrawal by September 1, 2023 will be deemed withdrawn and shall no longer be a Prioritized Community.

24.04 Application Materials and Review Process

- (1) Application Materials. Applications must be submitted in a manner and form to be determined by the Department, and shall include all of the following information:

(a) Copy of home rule petition and date submitted.

1. Home rule petitions filed by Prioritized Communities do not need to be updated or resubmitted

9.A.

to the general court to be eligible for participation.

- (b) Copy of proposed bylaw or other ordinance for participation in the Demonstration Project. If the city or town proposes a bylaw or ordinance that is not the model bylaw or the Department's Fossil-Free Code, the application must include an explanation of differences and provide the applicant's rationale for any differences.
 - (c) An implementation plan, including:
 - 1. Timeline and effective dates of bylaw or other ordinance provisions or requirements;
 - 2. A demonstrated commitment to collaborate with the Department on data collection, reporting, and outreach/training;
 - 3. Description of the current process within each city and town for storing building permit data and certificates of occupancy;
 - 4. Description of how the local bylaw will affect the use of fossil fuels for commercial and industrial Process Load in buildings subject to the bylaw or ordinance, including but not limited to, restaurants, dry cleaners, and manufacturing uses;
 - 5. Description of exemption or waiver process from any requirements, if any, to be included in the bylaw or ordinance.
 - (d) Documentation sufficient to demonstrate that the applicant has achieved at least one of the three housing production eligibility thresholds set forth in 24.05(1)(c).
 - (e) Proof of Local Approval.
- (2) Additional Materials for Substitute Communities. In addition to the above components, an application from a Substitute Community must include a description of the actions it has taken or will take after the adoption of the proposed bylaw, to encourage the production of multi-family housing. This description should include, but is not limited to:
- (a) The community's progress toward creation of a multi-family zoning district compliant with Sec. 3A of G.L. Ch. 40A, if applicable.
 - (b) Initiatives taken by the community to support the preservation and production of housing units, including multi-family housing.
 - (c) Substitute Communities may submit letters of support from community leaders and/or community members.
- (3) Review Process. The Department will review applications from Prioritized Communities on a rolling basis and will issue approvals in the order in which cities and towns have submitted home rule petitions to the general court.
- (a) The Department will provide feedback on completeness of application materials and notify applicant if any requirements are not met, or if any clarifications are needed for approval.
 - (b) Prioritized Communities may update and re-submit applications through November 10, 2023 based on Department feedback.
 - (c) November 10, 2023 is the final deadline to submit a complete application.
 - (d) February 11, 2024 is the final deadline to meet all eligibility requirements listed in 225 CMR 24.05. After such date the application of any Prioritized Community shall expire and be deemed void.

24.05 Eligibility Requirements

- (1) Requirements. All Prioritized and Substitute Communities must meet each of the following three requirements prior to submissions of application to the Department:
- (a) Home Rule Petition filed with the general court on the subject matter of these regulations;
 - (b) Local Approval received on the subject matter of these regulations; and
 - (c) The municipality has achieved one of the following housing eligibility thresholds:
 - 1. The municipality has met the 10 per cent housing affordability threshold set under chapter 40B of the General Laws as of December 21, 2020 or in a subsequent update from DHCD; or
 - 2. The municipality has been granted safe harbor status through a valid Housing Production Plan that DHCD has certified in accordance with 760 CMR 56.03(4); or

9.A.

3. The municipality has an approved a zoning ordinance or by-law that provides for at least 1 district of reasonable size in which multi-family housing is permitted as of right; provided, that such multi-family housing shall be without age restrictions and shall be suitable for families with children, as evidenced by a determination of district compliance issued by the department of housing and community development pursuant to its guidelines implementing section 3A of chapter 40A of the General Laws.

24.06 Substitute Communities

- (1) Application Submission. Substitute Communities may submit applications starting on the effective date of these regulations.
 - (a) The Department will not review applications from Substitute Communities until:
 1. Receipt of a Letter of Withdrawal from one or more Prioritized Communities forfeiting their prioritized status, or
 2. Default by a Prioritized Community as established in 225 CMR 24.03(4).
 - (b) The Department will notify and work with applicants to update applications if missing information or for which clarifications are required.
 - (c) Substitute Communities must meet all requirements set forth in 225 CMR 24.04 and 225 CMR 24.05 prior to submitting applications to the Department.
- (2) Timeline of Review. Substitute Communities applications will be considered if less than 10 of the Prioritized Communities participate in the Demonstration Project. The Department will not issue approvals for any Substitute Communities before March 1, 2024.
- (3) Selection Criteria. In addition to ensuring that Substitute Communities meet the requirements set forth in 225 CMR 24.04 and 225 CMR 24.05, the Department will consider the following factors when evaluating applications and selecting Substitute Communities for participation up to a total of 10 Participating Communities and may consider such additional factors as the Department deems appropriate.
 - (a) Contribution to the overall Demonstration Project, including diversity of Participating Communities, such as gateway cities, environmental justice communities, diversity of demographics, diversity of size, scale of building development, and type of housing development;
 - (b) Ability to meet Department reporting requirements and effectively monitor and ensure code compliance and implementation;
 - (c) Consistency of proposed bylaw or ordinance to the model bylaw provided by the Department;
 - (d) A preference for cities and towns that meet the compliance guidelines implementing section 3A of chapter 40A of the General Laws through an approved zoning ordinance or bylaw that provides for at least 1 district of reasonable size in which multi-family housing is permitted as right, or, if not applicable, a similar commitment to multi-family housing production as determined by the Department, in consultation with the Executive Office of Housing and Economic Development;
 - (e) Localized electric grid investments needed to support the Demonstration Project as determined through consultation between the Department and electric distribution companies;
 - (f) Demonstrated support from community members and municipal leaders.
- (4) Selection. The Department will issue a determination letter upon approval of any application of a Substitute Community documenting its selection and the basis therefor. The Department will publish determination letters on its website.

24.07 Reporting and Assessment of Results

- (1) Department Reporting. Not later than September 30, 2025, and every 2 years thereafter, the Department shall compile a report to be filed with the Senate and House Committees on Ways and Means, the Joint

9.A.

Committee on Housing, and the Joint Committee on Telecommunications, Utilities and Energy. The report shall include, but not be limited to, the following components:

- (a) Description of Demonstration Project and list of participating communities;
 - (b) Description of the Department's process for selecting Comparable Municipalities as a comparison group for the Demonstration Project;
 - (c) An analysis of the net reduction in emissions:
 - 1. for each newly constructed building or Major Renovation project subject to the Demonstration Project in each municipality participating in the Demonstration Project; and
 - 2. for each comparable newly constructed building or Major Renovation project in a number of Comparable Municipalities, as selected by the Department, not participating in the Demonstration Project.
 - (d) An analysis of impacts on: housing production, if any; housing affordability, if any, including electric bills, heating bills and other operating costs; housing affordability for persons of low and moderate income, if any, including electric bills, heating bills and other operating costs;
 - (e) Recommendations for the continuation or termination of the Demonstration Project.
- (2) Reporting Requirements for Participating Communities. Annually, not later than June 30th, Participating Communities shall submit the following data, in an accessible format as established by the Department, to the appropriate electric and gas distribution companies, or other designees as determined by the Department:
- (a) For each applicant for a building permit, the applicant's name, street address, building usage type, square footage, and estimated construction cost.
 - (b) Electronic copies of any third-party energy reporting on new construction and Major Renovation projects that illustrate the expected energy use for each major end use. These include but are not limited to relevant sections of: final Home Energy Reporting System rating reports; Passive house certification reports; building energy modeling reports used to demonstrate commercial energy code compliance through ASHRAE 90.1 or Thermal Energy Demand Intensity (TEDI) building code compliance pathway.
 - (c) Timely and accurate data reporting is required to perform analysis and assessment of impacts of the Demonstration Project.
- (2) Reporting Requirements for Electric and Gas Utilities. Each year beginning in 2024, not later than September 30th, all electric and gas distribution companies serving customers in Participating Communities, or the Comparable Municipalities shall, in an accessible and standardized format approved by the Department, report the following data:
- (a) Monthly kWh and therm usage, monthly electric costs, broken down by cost category, and monthly gas costs, broken down by cost category.
 - (b) The information above shall be submitted by account, with an associated anonymized account identifier to track information over time. Each account shall be submitted with an associated rate class, and street address, and be linked to a permit number provided through 225 CMR 24.07(2).
- (5) Comparable Municipalities. The Department will identify and designate Comparable Municipalities in a manner to be determined by the Department. Comparable Municipalities shall report data as set forth in 225 CMR 24.07(2). The Department will coordinate with Comparable Municipalities on the method and process of data collection and reporting.

9.A.

(1) Recommended Process. The Department has published a model rule and other guidance in order to assist Participating Communities in achieving the objectives of the Demonstration Project. The Department recommends that cities or towns seeking to participate in the Demonstration Project:

(a) Adopt the Specialized Municipal Opt-in Energy Code, as established in 225 CMR 22.00 and 225 CMR 23.00, and

(b) Adopt through Local Approval the model rule published by the Department.

(2) Model Rule. The model rule published by the Department ensures appropriate integration with the Massachusetts Specialized Municipal Opt-in Energy Code. If a Participating Community determines that adoption of a local by-law or ordinance that differs from the model rule published by the Department is necessary, the Participating Community shall provide information as described in 225 CMR 24.04(1)(b) in its application.

(a) Deviations from the model rule provided by the Department must include exemptions from fossil fuel free requirements for Research Laboratories for Scientific or Medical Research, or for Hospitals or Medical Offices.

24.09 Severability

If any provision of 225 CMR 24.00 is declared invalid, such invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

REGULATORY AUTHORITY St.

2022, c. 179, § 84.

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